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March 27, 2015

Ms. Leslie Patterson, Remedial Project Manager U.S. Environmental Protection Agency 77 West Jackson Boulevard (SR-6J) Chicago, IL 60604-3590

RE: Request for Information Pursuant to Section 104(e) of CERCLA: South Dayton Dump and Landfill Site in Moraine, Ohio

Dear Ms. Patterson:

On behalf of Waste Management of Ohio, Inc., enclosed is its response to U.S. EPA's above-referenced information request.

Sincerely,

QUARLES & BRADY LLP

William H. Harbeck

W. Habech

WHH:sk1

cc:

Michelle Gale James Forney Response of Waste Management of Ohio, Inc. ("WMO") to the U.S. Environmental Protection Agency's ("U.S. EPA") Request for Information Pursuant to 42 U.S.C. § 9604(e) Pertaining to the South Dayton Dump and Landfill Site in Moraine, Ohio

PRELIMINARY STATEMENT

U.S. EPA's January 16, 2015 Special Notice Letter and Request for Information for the South Dayton Dump & Landfill Site in Moraine, Ohio (the "SDD Site") noted that Respondents who had received a similar Information Request in the past regarding the SDD Site could update their response by responding to the Request attached to EPA's notice letter. On March 29, 2002 U.S. EPA sent to WMO a Section 104(e) Request for Information concerning the SDD Site to which WMO responded on June 3, 2002. WMO fully incorporates by reference its June 3, 2002 CERCLA Section 104(e) Response to EPA.

Over the years, WMO and affiliated entities, as well as other parties, have responded to a number of other Section 104(e) requests from U.S. EPA and Ohio EPA relating to several other sites in and around the Dayton, Ohio area. In connection with the previous responses to these Section 104(e) requests, WMO and its affiliates, and others such as Danis Environmental Services, have previously provided to these agencies extensive information, thousands of pages of documents, and a large number of transcripts of testimony by many current or former employees comprehensively setting forth the transportation and disposal of waste generated by various customers, the various sites used for disposal of that waste in Ohio, and related topics. WMO incorporates by reference as its response to this 104(e) request its (and its affiliates') responses to these prior 104(e) requests and related submissions and also refers U.S. EPA to the prior 104(e) responses and submissions by others pertaining to these other sites. These responses and submissions include but are not necessarily limited to the following:

Tremont City Landfill Site and CWMI Springfield Site

- 1. 1/12/87 Chemical Waste Management, Inc. 104(e) Response to U.S. EPA Regarding Springfield, Ohio Facility
- 2. 4/6/02 Waste Management 104(e) Response to U.S. EPA regarding Tremont City Landfill Site
- 3. 4/22/04 WMO and SC Holdings, Inc. 104(e) Response to U.S. EPA regarding Tremont City Landfill Site

Valleycrest Landfill (a/k/a North Sanitary Landfill)

- 1. 3/5/93 WMO 104(e) Response to Ohio EPA on behalf of Industrial Waste Disposal Co., Inc. ("IWD")
- 2. 3/5/93 WMO 104(e) Response to Ohio EPA on behalf of Blaylock Trucking Company, Inc.
- 3. 3/5/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of North Sanitary Landfill, Inc.

- 4. 3/30/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of North Sanitary Landfill, Inc.
- 5. 4/16/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
- 6. 5/11/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
- 7. 5/27/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
- 8. 7/13/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
- 9. 8/16/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of IWD
- 10. 9/28/93 WMO Supplemental 104(e) Response to Ohio EPA on behalf of North Sanitary Landfill, Inc.
- 11. 1/27/93 Danis Environmental Services, Inc. ("Danis") 104(e) Response to Ohio EPA
- 12. 5/4/93 Danis 104(e) Supplemental Response to Ohio EPA
- 13. 7/16/93 Danis 104(e) Supplemental Submission to Ohio EPA

Miami County Incinerator

- 1. 8/7/85 Industrial Waste Disposal Co., Inc. ("IWD") Response to U.S. EPA 104(e) Request
- 2. 11/4/88 IWD Response to U.S. EPA 104(e) Request
- 3. 2/17/89 IWD Supplemental Response to U.S. EPA 104(e) Request
- 4. 8/16/89 IWD Supplemental Response to U.S. EPA 104(e) Request
- 5. 4/24/92 IWD Response to U.S. EPA Additional 104(e) Request
- 6. 7/10/92 IWD Supplemental Response to U.S. EPA 104(e) Request

Cardington Road Site (Sanitary Landfill Company)

- 1. 6/29/87 Smith & Schnacke 104(e) Response Letter to U.S. EPA (on behalf of Waste Management, IWD, Blaylock Trucking Company, Inc., and Koogler-Suburban Refuse Removal Company)
- 2. 9/17/87 Smith & Schnacke Supplemental 104(e) Response Letter to U.S. EPA regarding IWD
- 3. 9/8/92 WMO Supplemental 104(e) Response to U.S. EPA regarding IWD

- 4. 8/11/95 Beveridge & Diamond letter to U.S. EPA regarding Cardington Road enclosing:
 - (a) 7/25/95 Affidavit of Dave Coble
 - (b) 8/1/95 Affidavit of Joe Smart
 - (c) 8/6/95 Affidavit of Kenny Compton
- 5. 8/21/95 Beveridge & Diamond letter to U.S. EPA regarding Cardington Road enclosing:
 - (a) 8/16/95 Supplemental Affidavit of Dave Coble
 - (b) 8/16/95 Affidavit of Ray Davis
- 6. 1/22/96 Beveridge & Diamond letter to U.S. EPA regarding Cardington Road enclosing:
 - (a) 1/10/96 Affidavit of Tom Koogler
 - (b) 1/13/96 Affidavit of Bill Fournier

Powell Road Landfill

- 1. 11/1/85 SCA Services of Ohio, Inc. Response to U.S. EPA 104(e) Request.
- 2. 8/18/89 Waste Management of North America, Inc. Response to Information Request from Resource Applications, Inc.

Finally, as U.S. EPA is aware, the SDD Site has been the subject of several lawsuits, one of which is pending in the Federal Court, Southern District of Ohio (collectively, the "Hobart Litigation") (Hobart Corporation, et al. v. The Dayton Power and Light Company, et al., 3:13-CV-00115). Numerous witnesses have been deposed in the Hobart Litigation and have testified regarding the activities and operations at the SDD Site, various entities that took waste or materials to the SDD Site, and the type of waste or materials taken to the SDD Site by those entities.

GENERAL OBJECTIONS TO INSTRUCTIONS, DEFINITIONS QUESTIONS

- 1. WMO objects to this Information Request to the extent it seeks information or documents that are unrelated to the SDD Site as being overbroad, unreasonable, unduly burdensome, and unauthorized by the provisions of Section 104(e) of CERCLA.
- 2. WMO objects to this Information Request on the grounds that its temporal and geographical scope are overbroad, unreasonable, unduly burdensome, and unauthorized by Section 104(e) of CERCLA. While none of the questions themselves contain a temporal or geographical limitation, U.S. EPA has advised the parties that it is willing to limit the time frame covered by the questions to the period from 1941-1996, and to limit the geographical scope of the questions to Respondents' facilities or operations within fifty (50) miles of the SDD Site. WMO continues to object to the questions on the same grounds as (i) it is unaware of any evidence, nor has U.S. EPA provided any, reflecting that the SDD Site was open and being used

for waste disposal during the entire 1941-1996 time frame, and (ii) because the 50 mile geographical range limitation does not remedy the over broadness or burden imposed by seeking the broad range of information that is unrelated to the SDD Site.

- 3. WMO objects to Instruction 7 to the extent it seeks to extend WMO's obligation to provide information or identify or produce documents not in WMO's possession, custody, or control.
- 4. WMO objects to Instructions 3, 8, and 10 on the grounds that they impose burdens on WMO not required by Section 104(e) of CERCLA.
- 5. WMO objects to Definition 4 (defining the term "facility" as "property . . . located within the area of interest for the SDD Site") on the grounds that the phrase "area of interest for the SDD Site" is not defined, vague, and potentially overbroad and unduly burdensome.

RESPONSES TO SPECIFIC QUESTIONS

1. Identify all persons consulted in the preparation of the answers to these questions.

RESPONSE TO QUESTION 1:

WMO incorporates by reference its General Objections and its June 3, 2002 Section 104(e) Response.

2. Identify all documents consulted, examined or referred to in the preparation of the answers to these questions, and provide copies of all such documents.

RESPONSE TO QUESTION 2:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being unduly burdensome and overreaching. In connection with its June 3, 2002 Section 104(e) Response and the previous 104(e) responses provided by WMO and its affiliates relating to various Dayton area landfills and sites (See Preliminary Statement), numerous documents were reviewed to determine relevance and responsiveness to those requests. All documents available that were responsive to those requests were provided.

Subject to and without waiving these Objections, as it relates to the SDD Site, WMO incorporates by reference its June 3, 2002 Section 104(e) Response. In addition, WMO has reviewed transcripts of depositions taken in the Hobart Litigation.

3. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional responsive documents, identify such persons. Provide their current, or last known, address, telephone numbers, and e-mail address.

¹ General Objections and specific objections made in response to any request shall hereinafter collectively be referred to as "Objections."

RESPONSE TO QUESTION 3:

WMO incorporates by reference its General Objections and its June 3, 2002 Section 104(e) Response.

4. Provide names, addresses, telephone numbers, and e-mail addresses of any individuals, including former and current employees, who may be knowledgeable about Respondent's operations and hazardous substances handling, storage and disposal practices.

RESPONSE TO QUESTION 4:

WMO incorporates by reference its General Objections and its June 3, 2002 Section 104(e) Response.

Subject to and without waiving its Objections, WMO also refers to its written discovery responses and Rule 26 Disclosures in the Hobart Litigation, copies of which are attached hereto as Bates Numbers WMO-EPA00001 - WMO-EPA00093.

5. State the date(s) on which the Respondent sent, brought or moved drums and/or hazardous substances to the South Dayton Dump and Landfill (SDDL) Site and the names, addresses, telephone numbers, and e-mail addresses of the person(s) making arrangements for the drums and/or hazardous substances to be sent, brought or moved to the SDDL Site.

RESPONSE TO QUESTION 5:

WMO incorporates by reference its General Objections. WMO states that it has no information that it sent, brought, or moved drums and/or hazardous materials to or at the SDD Site.

6. Did Respondent haul or send materials to SDDL in vehicles it owned, leased or operated? If yes, during what time periods did this occur? If no, how did Respondent transport materials to SDDL? Identify the hauler(s) and provide the addresses, telephone numbers, and e-mail addresses of these entities.

RESPONSE TO QUESTION 6:

WMO incorporates by reference its General Objections. In addition, WMO refers to depositions taken in the Hobart Litigation.

PERMITS/REGISTRATIONS

7. List all federal, state and local permits and/or registrations and their respective permit numbers issued to Respondent for the transport and/or disposal of materials.

RESPONSE TO QUESTION 7:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement and its June 3, 2002 Section 104(e) including its Response to Question No. 4 regarding its EPA Identification Number.

8. Which shipments or arrangements were sent under each permit? If what happened to the hazardous substances differed from what was specified in the permit, please state, to the best of your knowledge, the basis or reasons for such difference.

RESPONSE TO OUESTION 8:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

9. Were all hazardous substances transported by licensed carriers to hazardous waste Treatment Storage and Disposal Facilities permitted by the U.S. EPA?

RESPONSE TO QUESTION 9:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

10. List all federal, state and local permits and/or registrations and their respective permit numbers issued for the transport and/or disposal of wastes.

RESPONSE TO QUESTION 10:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

11. Does your company or business have a permit or permits issued under Resource Conservation and Recovery Act? Does it have or has it ever had, a permit or permits under the hazardous substance laws of the State of Ohio? Does your company or business have an EPA Identification Number, or an identification number supplied by the State Environmental Protection Agency? Supply any such identification number(s) your company or business has.

RESPONSE TO QUESTION 11:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response including Response 4, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

12. Identify whether Respondent ever filed a Notification of Hazardous Waste Activity with the EPA or the corresponding agency or official of the State of Ohio, the date of such filing, the wastes described in such notice, the quantity thereof described in such notice, and the identification number assigned to such facility by EPA or the state agency or official.

RESPONSE TO QUESTION 12:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

RESPONDENT'S DISPOSAL/TREATMENT/STORAGE/RECYCLING/SALE OF WASTE (INCLUDING BY-PRODUCTS)

13. Identify all individuals who currently have and those who have had responsibility for Respondent's environmental matters (e.g. responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes). Also provide each individual's job title, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management. For each individual identified in response to this question provide the current or most recent known address, telephone number and e-mail address.

RESPONSE TO QUESTION 13:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 13 appears to be addressed to generators, manufacturers, or similar entities that generate or produce waste as a result of their industrial or commercial manufacturing or production operations, and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question does not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in any Hobart Litigation deposition testimony.

- 14. Describe the containers used to take any type of waste from Respondent's operation, including but not limited to:
 - a. the type of container (e.g. 55 gal. drum, dumpster, etc.);
 - b. the colors of the containers;
 - c. any distinctive stripes or other markings on those containers;
 - d. any labels or writing on those containers (including the content of those labels);
 - e. whether those containers were new or used; and
 - f. if those containers were used, a description of the prior use of the containers.

RESPONSE TO QUESTION 14:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 14 appears to be addressed to generators, manufacturers, or similar establishments that generate or produce waste as a result of their industrial or commercial manufacturing or production operations and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question and its subparts do not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

15. For any type of waste describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling. Provide copies of all documents relating to the transportation or disposal of said waste, including correspondence and manifests. Include all correspondence and records of communication between Respondent and Cyril Grillot, Kenneth Grillot, Alcine Grillot, or Horace Boesch, Sr.

RESPONSE TO QUESTION 15:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 15 appears to be addressed to generators, manufacturers, or similar establishments that generate or produce waste as a result of their industrial or commercial manufacturing or production operations and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question does not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

As to the last sentence of Question 14, WMO has not located any correspondence or records of communication between it and the individuals listed.

- 16. Provide copies of such contracts and other documents reflecting such agreements or arrangements.
 - g. State where Respondent sent each type of its waste for disposal, treatment, or recycling.
 - h. Identify all entities and individuals who picked up waste from Respondent or who otherwise transported the waste away from Respondent's operations (these companies and individuals shall be called "Waste Carriers" for purposes of this Information Request).
 - i. If Respondent transported any of its wastes away from its operations, please so indicate and answer all questions related to "Waste Carriers" with reference to Respondent's actions.
 - j. For each type of waste specify which Waste Carrier picked it up.
 - k. For each type of waste, state how frequently each Waste Carrier picked up such waste.
 - I. For each type of waste state the volume picked up by each Waste Carrier (per week, month, or year).
 - m. For each type of waste state the dates (beginning & ending) such waste was picked up by each Waste Carrier.
 - n. Provide copies of all documents containing information responsive to the previous seven questions.
 - o. Describe the vehicles used by each Waste Carrier to haul away each type of waste including but not limited to:
 - i. the type of vehicle (e.g., flatbed truck, tanker truck, containerized dumpster truck, etc.);
 - ii. names or markings on the vehicles; and
 - iii. the color of such vehicles.
 - j. Identify all of each Waste Carrier's employees who collected Respondent's wastes.
 - k. Indicate the ultimate disposal/recycling/treatment location for each type of waste.
 - I. Provide all documents indicating the ultimate disposal/recycling/treatment location for each type of waste.

- m. Describe how Respondent managed pickups of each waste, including but not limited to:
 - i. the method for inventorying each type of waste;
 - ii. the method for requesting each type of waste to be picked up;
 - iii. the identity of (see Definitions) the waste carrier employee/agent contacted for pickup of each type of waste;
 - iv. the amount paid or the rate paid for the pickup of each type of waste;
 - v. the identity of (see Definitions) Respondent's employee who paid the bills; and
 - vi. the identity of (see Definitions) the individual (name or title) and company to whom Respondent sent the payment for pickup of each type of waste.
- n. Identify the individual or organization (i.e., the Respondent, the Waste Carrier, or, if neither, identify such other person) who selected the location where each of the Respondent's wastes were taken.
- o. State the basis for and provide any documents supporting the answer to the previous question.
- p. Describe all wastes disposed by Respondent into Respondent's drains including but not limited to:
 - i. the nature and chemical composition of each type of waste;
 - ii. the dates on which those wastes were disposed;
 - iii. the approximate quantity of those wastes disposed by month and year;
 - iv. the location to which these wastes drained (e.g. on-site septic system, onsite storage tank, pre-treatment plant, Publicly Owned Treatment Works (POTW), etc.); and
 - v. whether and what pretreatment was provided.
- q. Identify any sewage authority or treatment works to which Respondent's waste was sent.
- r. If not already provided, specify the dates and circumstances when Respondent's waste was taken to the SDDL Site, and identify the companies or individuals who brought Respondent's waste to the SDD Site. Provide all documents which support or memorialize your response.

RESPONSE TO QUESTION 16:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 16 appears to be addressed to generators, manufacturers, or similar establishments that generate or produce waste as a result of their industrial or commercial manufacturing or production operations and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question and its subparts do not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

RESPONDENT'S ENVIRONMENTAL REPORTING

17. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

RESPONSE TO QUESTION 17:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Further, Question 17 appears to be addressed to generators, manufacturers, or similar establishments that generate or produce waste as a result of their industrial or commercial manufacturing or production operations and contract for the disposal of that waste. Respondent's alleged predecessors were not "generators" of waste as those terms are used throughout this question. They were, instead, waste haulers, and this question does not apply to WMO.

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

18. Identify (see Definitions) all federal offices to which Respondent has sent or filed information about hazardous substance or hazardous waste.

RESPONSE TO QUESTION 18:

WMO objects to Request 18 on the grounds that it refers to the Definitions but there is no applicable definition for this request.

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

19. State the years during which such information was sent/filed.

RESPONSE TO QUESTION 19:

WMO incorporates by reference its Objections and its Response to Request 18.

20. Identify (see Definitions) all state offices to which Respondent has sent or filed hazardous substance or hazardous waste information.

RESPONSE TO QUESTION 20:

WMO objects to Request 18 on the grounds that it refers to the Definitions but there is no applicable definition for this request.

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

21. State the years during which such information was sent/filed.

RESPONSE TO QUESTION 21:

WM incorporates by reference its Objections and its Response to Request 20.

List all federal and state environmental laws and regulations under which Respondent has reported to federal or state governments, including but not limited to: Toxic Substances Control Act, 15 U.S.C. Sections 2601 et seq., (TSCA); Emergency Planning and Community Right-to-Know Act, 42 U.S.C. Sections 1101 et seq., (EPCRA); and the Clean Water Act (the Water Pollution Prevention and Control Act), 33 U.S.C. Sections 1251 et seq.; Solid Waste and Infectious Waste Regulations, OAC 3745-27 (former rule EP-20); Licenses for Solid Waste, Infectious Waste Treatment, or Construction and Demolition Debris Facilities, OAC 3745-37 (former rule EP-33); Solid and Hazardous Wastes, ORC 3734-01 through 3734-11; Open Burning Standards, OAC 3745-19-03.

RESPONSE TO QUESTION 22:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

23. Identify the federal and state offices to which such information was sent.

RESPONSE TO QUESTION 23:

WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to this Request as being overbroad, unduly burdensome, and outside the scope of 42 U.S.C. § 9604(e).

Subject to and without waiving its Objections, WMO incorporates by reference its Preliminary Statement, its June 3, 2002 Section 104(e) Response, its Rule 26 disclosures and discovery responses in the Hobart Litigation, and any responsive information contained in Hobart Litigation deposition testimony.

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

HOBART CORPORATION, KELSEY-HAYES COMPANY, NCR CORPORATION,

Plaintiffs,

v.

CASE NO. 3:10-CV-195

WASTE MANAGEMENT OF OHIO, INC., et al.,

Defendants.

DEFENDANT WASTE MANAGEMENT OF OHIO, INC.'S INITIAL RULE 26(a)(1) DISCLOSURES

Defendant Waste Management of Ohio, Inc. ("WMO") submits the following Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

I. Rule 26(a)(1)(A)(i).

WMO states that it has not completed all of its investigation and, therefore, it cannot say with certainty that those individuals listed below are the only individuals likely to have discoverable information supporting its defenses. Subject to and in accordance with the foregoing, WMO identifies the following individuals and their last known addresses:

Dennis Mantel 523 Valley Oak Court Dayton, OH 45415 Arnold Polley 415 Travis Drive Riverside, OH 45431

Joseph Smart 5240 Tilbury Road Dayton, OH 45424

3115 Meyers Tillmann Road

Arcanum, OH 45304

Vernon Vencill

Any attempts to contact the aforementioned individuals or any other current or former employees of IWD/WMO in regard to this matter should be made through William Harbeck, as counsel for WMO.

WMO-EPA00001

II. Rule 26(a)(1)(A)(ii).

WMO states that it has not completed all of its investigation and, therefore, it does not know certain fundamental information needed to determine precisely which documents in its possession, custody or control may be used to support its defenses. Subject to and in accordance with the foregoing, WMO identifies and attaches hereto the following documents in its possession, custody, or control:

- 1. WMO's response, dated June 3, 2002, to EPA's Request for Information pertaining to the South Dayton Dump.
- 2. Correspondence dated May 7, 1980 from Industrial Waste Disposal Company to Dayton Tire & Rubber Company.

III. Rule 26(a)(1)(A)(iii).

WMO is not making a claim for damages in this action.

IV. Rule 26(a)(1)(A)(iv).

WMO is not aware of the existence of any applicable insurance agreement.

Dated: November 18, 2010.

/s/ William H. Harbeck

William H. Harbeck, WI State Bar No. 1007004

Quarles & Brady LLP

411 East Wisconsin Avenue, Suite 240

Milwaukee, WI 53202-4497

Telephone: (414) 277-5853

E-mail: william.harbeck@quarles.com

John P. Brody, Ohio State Bar No. 0012215

Kegler, Brown, Hill & Ritter Co., LPA

65 E. State Street, Suite 1800

Columbus, Ohio 43215-4294

Telephone: 614-462-5400

Email: jbrody@keglerbrown.com

Attorneys for Defendant

Waste Management of Ohio, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Waste Management of Ohio, Inc.'s Initial Rule 26(a)(1) Disclosures was served via email on November 18, 2010 upon counsel of record as reflected in the attached service list.

/s/ Andrea B. Carskadon

Andrea B. Carskadon Quarles & Brady LLP 411 East Wisconsin Avenue Suite 240 Milwaukee, WI 53202-4497

SERVICE LIST

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| | |
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| f/k/a Dayton Tire & Rubber Company | f/k/a Dayton Tire & Rubber Company |
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| Suite 250 | 137 N. Main Street, Suite 316 |
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| Monsanto Company a/k/a Monsanto Research Company | |
| | |

WMO-EPA00004

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Counsel for Defendant Dayton Power & Light Company



Closed Sites Management Department 720 Butterfield Road Lombard, IL 60148 Phone: 630/572-2979 Fax: 630/218-1596

Fax

| Te: Deena Sheppard - Johnson | From: Debra A. Kopsky. PRanalogal | | |
|-------------------------------------|-----------------------------------|--|--|
| U.S. EPA - Region V | Phone: 630/572~2486 | | |
| Fax: 312/886-6064 | Date: June 3, 2002 | | |
| Phone: | Pages: 20 pages (including cover) | | |
| Res South Dayton Dump, -Moraine, OH | GC: Jim Forney, David Winfrey | | |

Comments:

Attached is Waste Management of Ohio, Inc.'s response to your 104(e) Request for Information regarding the South Dayton Dump, Moraine, Ohio. The original will follow via overnight mail.

Thank you for your patience.



WASTE MANAGEMENT

Closed Site Management Group 720 Butterfield Road Lombard, IL 60148 (630) 572-8800 (630) 218-1596 Fax

June 3, 2002

Deena Sheppard-Johnson, SR-6J U.S. Environmental Protection Agency Remedial Enforcement Support Section 77 West Jackson Blvd. Chicago, Ilinois 60604

RE: South Dayton Dump Site, Moraine, Ohio

Dear Ms. Sheppard-Johnson:

Enclosed you will find Waste Management of Ohio, Inc.'s response to the U.S. Environmental Protection Agency's March 29, 2002 Request for Information concerning the above referenced site. Industrial Waste Disposal Co., Inc. was merged into Waste Management of Ohio, Inc. on August 31, 1989.

If you have any questions, please call our counsel, David Winfrey at 713/265-1431 or myself at 630/572-2486.

Sincerely,

Debra A. Kopsky

Paralegal

Enclosures

Cc: Jim Forney (w/enclosures)

David Winfrey (w/enclosures)

1. Identify all persons consulted in the preparation of the answers to these questions.

Mr. Thomas Koogler Area Vice President – OH/KY/WVA Group Waste Management of Ohio, Inc. Pairborn, Ohio 45324

Ms. Debra A. Kopsky Paralegal Waste Management, Inc. 720 Butterfield Road Lombard, Illinois 60148

Mr. Joseph Woerner Controller Waste Management of Ohio, Inc. Fairborn, Ohio 45324

All Waste Management employees may be reached through counsel:

Mr. David Winfrey Waste Management, Inc. 1001 Fannin Street Houston, Texas 77002 713/265-1431

Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

The only documents reviewed for this response were those provided as evidence by the U.S. Environmental Protection Agency. For your convenience, these have been attached as Exhibit A.

 If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional response documents, identify such persons.

Respondent, Waste Management of Ohio, Inc., does not have any reason to believe that there are persons able to provide a more detailed or complete response or provide additional documentation to the questions herein.

4. List the EPA Identification Numbers of the Respondent.

08-57-73-1990

 Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting there from at the South Dayton Dump Site.

Given the broad nature of this question, in which case, Respondent reserves the right to object without waiving such right through this response, Respondent does not know of any acts or omissions by any person that may have caused the release or the threat of release of bazardous substances, pollutants, or contaminants and damages resulting at the South Dayton Dump Site.

Respondent will supplement this response should respondent know additional information necessitating supplementation.

 Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

Respondent does not know of anybody that would have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

- 7. Set forth the dates during which the Respondent engaged in any of the following activities:
 - a. Generation of hazardous materials which were sent to the South Dayton Dump Site;

Respondent is not now, nor has it ever been, a generator of hazardous materials sent to the South Dayton Dump Site.

b. Transportation of any material to the South Dayton Dump Site.

Respondent's investigation did not lead to any evidence that Respondent actually transported material to the South Dayton Dump Site.

- 8. Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site. In addition, identify the following:
 - a. The persons with whom you or such other persons made such arrangements;

Respondent has been unable to determine that Respondent may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site.

b. Every date on which such arrangements took place;

See response to Question 8a.

c. For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

See response to Question 8a.

d. The owner of the materials or hazardous substances so accepted or transported;

See response to Question 8a.

The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

See response to Question 8a.

f. All tests, analyses, and analytical results concerning the materials;

See response to Question 8a.

g. The person(s) who selected the South Dayton Dump Site as the place to which the materials or hazardous substances were to be transported;

See response to Question 8a.

h. The Amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

See response to Question 8a.

 Where the person identified in g., above, intended to have such bazardous substances or materials transported and all evidence of this intent;

See response to Question Ba.

j. Whether the materials or hazardous substances involved in each transaction were transshipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

See response to Question 8a.

 What was actually done to the materials or hazardous substances once they were brought to the South Dayton Dump Site;

See response to Question 8a.

 The final disposition of each of the materials or hazardous substances involved in such transactions.

See response to Question 8a.

m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal or disposal of the material and bazardous substance involved in each transaction;

See response to Question 8a.

n. The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the South Dayton Dump Site, and all markings on such containers:

See response to Question 8a.

 The price paid for (i) transport, (ii) disposal, or (iii) both of each material and hazardous substance;

See response to Question 8a.

 All documents containing information responsive to a-o above, or in lieu of identification of all relevant documents, provide copies of all such documents;

See response to Question 8a.

q. All persons with knowledge, information, documents responsive to s-p above.

See response to Question 8a.

9. Identify all liability insurance policies held by Respondent from 1941 to the present. In Identifying such policies, state the name and address of each insurer and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "pollution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

Respondent objects that this request is unduly burdensome and not likely to lead to discovery of funds available to pay response costs.

 Provide copies of all income tax returns, including all supporting schedules, sent to the Federal Internal Revenue Service in the last five years.

Respondent is a subsidiary of Waste Management Holdings, Inc., a wholly owned subsidiary of Waste Management, Inc. whose financial statements are available at www.wm.com.

- 11. If respondent is a Corporation, respond to the following requests:
 - a. Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

Both the articles of incorporation for Industrial Waste Disposal Co., Inc. and the merger agreement whereby Industrial Waste Disposal Co., Inc. was merged into Waste Management of Ohio, Inc. have been attached as Exhibit B.

b. Provide Respondent's financial statements for the past five fiscal years, including but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

See response to Question 10.

c. Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.

See response to Question 10.

d. Identify the Parent Corporation and all Subsidiaries of the Respondent.

The parent corporation is Waste Management, Inc. A list of subsidiaries are listed in Waste Management, Inc.'s most recent 10-K report which can be found at www.wm.com under "Investor Relations."

- 12. If Respondent is a Partnership, respond to the following requests:
 - a. Provide copies of the Partnership Agreement;

- Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;
- c. Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities;
- d. Identify all subsidiaries of the Respondent.

Respondent is not a Partnership.

- 13. If Respondent is a Trust, respond to the following requests:
 - a. Provide all relevant agreements and documents to support this claim.
 - b. Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.
 - c. Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.

Respondent is not a Trust.

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EXHIBIT A

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6- copies



INDUSTRIAL WASTE DISPOSAL CO., INC. P.O. BOX 1483 3973 WAGONER FORD ROAD + DAYTON, OHIO 45414
PHONE 513 278-0821

June 9, 1901

USEFA Region V Sites Notification Chicago, Illinois 60604

RE: Industrial Waste Disposal Co., Inc. - Disposal Sites

Dear Sire:

Section 101(c) of the (Imprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Superfund") requires certain percent to notify the Environmental Protection Agency by June 9, 1981, of the existence of hasprdous waste facilities. Industrial Waste Disposal Co., Inc. ("Twn") has transported commercial, industrial, and municipal solid wastes to the sites listed on the attached appendix. As some of these wastes may be subject to Resource Conservation and Recovery Act regulations, and the Emportued law imposes heavy penalties for faiture to file a notification when one is required, IND is submitting this letter to fulfill its reporting obligation under Section 101(c) of the Superfund.

We are not in possession of reasonably available negarious which would indicate the specific areas, types and quantities of "hasardous" wastes disposed at these sites. Noredver, because any such hasardous vastes would have been disposed of in connection with much larger quantities of solid waste, which EPA has classified as non-hazardous, there are no reasonably available records which would accurately reflect quantities of hazardous waste which might have been delivered to theme wites. However, we believe the preponderance of the small amount of hazardous waste which may have been disposed at these sites would have come from generators of small quantities of hazardous waste. Buch wastes are excluded from regulation under the EPA hazardous waste management program when they are disposed at a facility which is permitted and licensed to manage municipal or industrial solid waste.

If you would like further information concerning this matter, please contact me.

Finoorely,

ptimel J. Obligley
Division Mahager/So/(d Baste &

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MINIT

Enclosure

JUN 1 5 1981

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IWD - DISROSAL SITES

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Espe's Landfill 5600 Epper River RA. West Carrollton, Chio

Vance Road Landfill 2101 Vance Rd. Moraine, Unio

Conitary Landfill 2601 Dorothy Land Mozaina, Ohio

South Dayton Dump & Landfill & 1976 Springboro Rd. Moreine, Onio

Missi County Inclustator 2200 North County Md. Trny, Chio Shelb/ County Incinerator Sidney, Chip

County sanifill 4016 Dayton-Springfield Rd. Springfield, Chio

RusCot's LandEill 300 East Maine Springfield, Ohio

Leadfill Mystems, inc. 3050 Lower Valley Pike Springfield, Chio

Worth Samitary Landfill Sayder Domar Road Tremont City, Ohio

JUN 1 5 1987

06/03/02 15:36 FAX 6302181596

Porm C-413

EXHIBIT B

PLEASE NOTE THAT THE ATTACHED ARTICLES WERE PROVIDED BY THE OHIO SECRETARY OF STATE. THE ORIGINAL QUALITY IS ALSO POOR.

MIDEAST

UNITED STATES OF AMERICA. STATE OF OHIO. OFFICE OF THE SECRETARY OF STATE.

L SHERROD BROWN,

Secretary of State of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original record now in my official custody as Secretary of State, and found to be true and correct, of the

Articles of Incorporation of INDUSTRIAL WASTE DISPOSAL CO., INC., an Ohio corporation, Charter #244891, filed February 8, 1955 recorded RollD22 Frame 2243; Certificate of Agreement of MERGER of DISPOSAL EQUIPMENT, INC., an Ohio corporation, Charter #409207, merging into INDUSTRIAL WASTE DISPOSAL CO., INC., an Ohio corporation, Charter #244891, the Survivor of stated Merger, INDUSTRIAL WASTE DISPOSAL CO., INC.

A.D. filed in this office on the day of 1972 30th June and recorded on (in) Roll (Walnumerx Frame (Ragge) of B815 1161 the Records of Incorporations.



WITNESS my hand and official seal at 27th day Columbus, Ohio, this .

WMO-EPA00017

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description.

PROCEEDINGS OF THE INCORPORATORS

| On the 5th: day of February 19.55. |
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| |
| the persons named below as subscribers to the articles of incorporation, desiring for themselves, their associates, successors and assigns, to become a body corporate, in accordance with the general corporation laws of the State of Ohio, under the name and style of |
| INDUSTRIAL WASTE DISPOSAL CO., INC. (Name of Corporation) |
| and with all the corporate rights, powers, privileges and liabilities enjoyed under or imposed by such laws, did subscribe and acknowledge, as required by law, articles of incorporation, which articles, together with |
| the certificate of acknowledgment, were, on theday of |
| 19.55., duly filed in the office of the Secretary of State, at Columbus, Ohio, and by him recorded, and a certified copy thereof, of which the following is a true and correct copy, by him furnished to said subscribers: |
| Filed February 8, 1955 |
| Corporation No. 244891 |
| ARTICLES OF INCORPORATION |
| OF |
| INDUSTRIAL WASTE DISPOSAL CO., INC. |
| The undersigned, a majority of whom are citizens of the United States, desiring to form a corporation, for profit, under the General Corporation Act of Ohio, do hereby certify: |
| FIRST. The name of said corporation shall be Industrial Waste Disposal Co., Inc. |
| SECOND. The place in the State of Ohio where its principal office is to be located is |
| Dayton in Montgomery County. |
| (City, Village of Township) |
| THIRD. The purpose or purposes for which it is formed are: |
| To carry on and conduct a business of removal of waste materials from industrial, mercantile and residential establishments and the disposal thereof by any means including, but not limited to, dumping, burning, erosion by natural or artificial methods and the doing of all things necessary and incidental thereto. |
| To purchase, lesse or otherwise acquire, and to erect, construct, improve, operate, manage, and control, directly or through the ownership of shares in any corporation, any and all kinds of buildings, storerooms, warehouses, factories and shops; and to engage generally in the business of owning, operating and lessing real and personal property of every character and |

PROCEEDINGS OF THE INCORPORATORS

| FOURTH. The maximum number of shares which the corporation is authorized to he | ave outstanding |
|--|-----------------|
| is Two Hundred Fifty (250) | which |
| shall be classified as follows: | |
| (Here state designation, maximum numbers and par value, it any, of shares of each relative rights, restrictions and qualifications of each class.) | class, and the |
| *All of which shall be with a par value of One Hundred and 00/100 Dollars each. | (\$ 100.00) |
| | • |

*All of which shall have the strong contract

| PROCEEDINGS | OF THE | INCORPOR | ATOPE |
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*SEVENTH. The following provisions are hereby agreed to for the purpose of defining, limiting and regulating the exercise of the authority of the corporation, or of the directors, or of the shareholders, or of any class of shareholders, or for the purpose of creating and defining rights and privileges of the shareholders among themselves:

| PROCEEDINGS OF THE INCORPORATORS | |
|---|---|
| IN WITNESS WHEREOF, we have hereunt of February 19 55 | o subscribed our names, thisayenthday |
| | Lois J. Stoecklein |
| • | Charles H. Boesch |
| | Milton L. Sprowl |
| | |
| | |
| مد م | |
| THE STATE OF OHIO, COUNTY OF MONTO | , a Notary Public, in and for said county, this |
| 7th day of February Charles H. Boesch and Milton L. the signing of the foregoing articles of incorporation therein mentioned. | 19 55 , the above named Lois J. Stoeckles Sprowl , who each severally acknowledged to be his free act and deed, for the uses and purposes |
| Witness my hand and official seal on the day as | |
| | William H. Wolff |
| | Notary Public. |
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| | ohio, office of the secretary of state. |
| do hereby certify that the foregoing is an exempli record now in my official custody as Secretary of | fied copy, carefully compared by me with the original state, and found to be true and correct, of the Articles |
| of Incorporation of Industrial Waste D | isposal Co., Inc. |
| | of February 19 55 and re- |
| corded in Volume 622 Page 576, of t | he Record of Incorporations. |
| Witness my hand and official seal at Columb | us, this 8th day of February |
| 19.55 | and to specific |
| (SEAL) | TED W. BROWN |

FILED

CERTIFICATE OF MERGER

OF

BLAYLOCK TRUCKING COMPANY, ING., INDUSTRIAL WASTE DISPOSAL GO., INC., FINNACLE HOAD LANDFILL, INC., LAKE COUNTY LAND IMPROVEMENT, INC.

AND

S.E.M., INC. INTO

WASTE MANAGEMENT OF ORIO, INC. (UNDER SECTION 252 OF THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE)

Waste Management of Ohio, Inc. hereby certifies that:

- (1) The name and state of incorporation of each of the constituent corporations are:
 - Blaylock Trucking Company, Inc., an Ohio corporation; (a)
 - **(b)** Industrial Waste Disposal Co., Inc., am Ohio corporation;
 - (c)
 - Pinmacle Road Landfill, Inc., an Ohio corporation; Lake County Land Improvement, Inc., an Ohio corporation; (d)
 - S.E.K., Inc., an Ohio corporation; and (e)
 - (£) Waste Management of Ohio, Inc., a Delaware corporation.
- (2) An agreement of merger, a true and complete copy of which is actached hereto, has been approved, adopted, certified, executed and acknowledged by each of said corporations in accordance with the provisions of subsection (c) of Section 252 of the General Corporation Law of the State of Delaware and Section 1701.79 of the General Corporation Law of the State of Ohio.
- (3) The name of the surviving corporation is Waste Management of Chio, Inc.
- The certificate of incorporation of Waste Management of Ohio, Inc. shall be the certificate of incorporation of the surviving corporation.
- (5) The surviving corporation is a corporation of the State of Delaware.
- The executed agreement of merger is on file at the principal place of business at 3003 Butterfield Road, Oak Brook, Illinois 60521, Attention: Secretary.
- A copy of the agreement of margar will be furnished by Weste Management of Ohio, Inc. on request and without cost, to any stockholder of any of the corporations identified in Section 1 above.
- The authorized capital stock of each of the constituent corporations is as follows:

Constituent Corporation

Authorized Capital

Par Value

Blaylock Trucking Company, Inc.

250

No par

PLAN AND AGREEMENT OF MERGER

THIS FLAN AND AGREEMENT OF MERGER is made as of this lith day of August, 1989, by and among Blaylock Trucking Company, Inc. ("Blaylock"), Industrial Waste Disposal Co., Inc. ("IWD"), Pinnacle Road Landfill, Inc. ("Finnacle"), Lake County Land Improvement, Inc. ("Lake County") and S.E.M., Inc. ("SEM"), all Ohio corporations (referred to herein singularly as a "Merging Corporation" and collectively as the "Merging Corporations"), and Waste Management of Ohio, Inc., a Delaware corporation (referred to herein as the "Survivor").

WHEREAS, Blaylock has an authorized capital stock consisting of 250 shares of common stock, no par value, of which 132 shares are issued and outstanding;

WHEREAS, IWD has an authorized capital stock consisting of 250 shares of common stock, \$100 par value per share, of which 250 shares six issued and outstanding;

WHEREAS, Pinnacle has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 10 shares are issued and outstanding;

WHEREAS, Lake County has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 200 shares are issued and outstanding;

WHEREAS, SEM has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 100 shares are issued and outstanding;

WHEREAS, the Survivor has an authorized capital stock consisting of 1,000 shares of common stock, \$1.00 par value per share, of which 100 shares are issued and outstanding; and

WHEREAS, the respective Boards of Directors of the Merging Corporations and the Survivor deem it advisable and generally to the advantage and walfare of the parties and their respective stockholders that the Merging Corporations merge with the Survivor under and pursuent to the provisions of the General Corporation Law of the State of Ohio and of the General Corporation Law of the State of Delaware.

NOW, THEREFORE, in consideration of the premises and of the mutual agreements herein contained and of the mutual benefits hereby provided, it is agreed by and between the parties hereto as follows:

- 1. MERGER. Each of the Marging Corporations shall be and it hereby is marged with and into the Survivor.
- 2. EFFECTIVE TIME. This Plan and Agreement of Herger shall become effective at 11:59 p.m. upon the later to occur of August 31, 1989 or the date of the filing of documents required to effectuate the marger hereby contemplated in compliance with the laws of the States of Chic and Delaware, the time of such effectiveness being hereinafter called the Effective Time.



INDUSTRIAL WASTE DISPOSAL CO., INC. P. O. BOX 1453 3575 WAGONER FORD ROAD - DAYTON. OHIO 48414 PHONE 513 278.0821

May 7, 1980

Dayton Tire & Rubber P.O. Box 96 2342 Riverside Drive Dayton, Ohio 45407

Attn: Mr. Ralph Ball

Dear Mr. Ball:

The purpose of this letter is to trace the history of your waste' disposal by listing in chronological order the samitary landfills IWD has utilized for the disposal of your waste since 1956.

- (A) From 1956 to 1960, your waste material was dumped at the Roger Groves Landfill located on River Road, Dayton, Ohio.
- (B) For the period from 1960 to 1956, your waste was taken to both the shove Groves Landfill and Sanitary Landfill Inc. (a subsidiary of IWD) located on Dorothy Lane.
 - (C) From 1966 to 1971, we used North Sanitary Landfill, Inc. (a subsidiary of IND) located on the east side of Valley-creat Drive.
 - (D) From 1971 to 1976, two sites were used; North Samitary Landfill, Inc. (a subsidiary of IWD) located on the west mide of Valleycrest Drive, and Samitary Landfill, Inc. (a subsidiary of IWD) located on Cardington Road.
- "(E) From 1976 to 1979, only Sanitary Landfill, Inc. on Cardington Road was utilized.
 - (F) Effective in October 1979 to the present, your waste has been dumped at North Sanitary Landfill Inc. (a subsidiary of IVD) located on Finnacle Road.

All of the above disposal sites either were or are properly licensed by all local, state, and federal regulatory agency requirements in existence at their respective times of operations.

100936

INDUSTRIAL WASTE DISPOSAL CO., INC.

Dayton Tire & Rubber Mr. Ralph Ball May 7, 1980 Page -2-

As soon as possible, IWD would like to be informed of a definita timetable for us to begin removing our waste removal equipment from your plant. In addition, we are interested in purchasing the one stationary compactor owned by DT&R which is used for corrugated recycling. We are also interested in purchasing your tire shredder.

Please do not hesitate to call with any questions or problems.

Sincerely yours,

Dennis R. Mantel

Dennis R. Mantel Vice President of Sales

DEM: kb

100937

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

| HOBART CORPORATION, et al., | CASE NO. 3:10-CV-195 |
|---|---------------------------|
| Plaintiffs, | JUDGE WALTER HERBERT RICE |
| vs. | |
| WASTE MANAGEMENT OF OHIO, INC., et al., |) } |
| et at., |)) |
| Defendants. | |

WASTE MANAGEMENT OF OHIO, INC.'S RESPONSE TO INTERROGATORY 1 OF PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Defendant Waste Management of Ohio, Inc. ("WMO") hereby responds to Interrogatory

1 of Plaintiffs' First Set of Interrogatories and Requests for the Production of Documents as
follows.

Based upon concerns raised by WMO and other defendants as to, among other things, the broad scope of these discovery requests, the attendant burden they would impose, and their questionable relevance, counsel for plaintiffs and the defendants have agreed, as an initial step, that defendants need only respond to Interrogatory 1 subject to and preserving any objections that any defendant may desire to assert. WMO is thus only responding to Interrogatory 1 at this time.

General Objections

1. WMO objects to Plaintiff's Discovery Requests to the extent that they seek the disclosure of information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other privilege or immunity.

- 2. WMO objects to Plaintiff's Discovery Requests, including the Instructions, to the extent that they seek to alter or exceed the scope of the obligations placed on WMO by the Federal Rules of Civil Procedure or applicable law including, but not limited to, any obligations WMO may have to supplement or amend its answers. In responding, WMO will comply with all applicable requirements of the Federal Rules of Court Procedure.
- 3. WMO objects to Definition 7.J. (defining "Defendant," "You," and "Your") to the extent it encompasses entities other than Industrial Waste Disposal Co., Inc., which is WMO's only alleged nexus to the Site, on the grounds that it is overly broad, unduly burdensome, and seeks information which is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.
- 4. WMO objects to Definition 7.M. (defining "Your Dayton Area Facilities") on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.
- 5. The time period encompassed by these discovery requests is from 1941-1996 (See Instruction M). WMO objects to, and is not providing information requested in these Discovery Requests for any "Dayton Area Facilities" (defined in Definition 7.M.) acquired by WMO after 1996.

INTERROGATORIES

<u>INTERROGATORY NO. 1</u>: Identify each of Your Dayton Area Facilities, including for each facility (a) the name and address, (b) the time period(s) of Your ownership, leasing or operation of the facility, and (c) the business operation(s) conducted there.

ANSWER:

WMO objects to Interrogatory 1 on the grounds that it is overbroad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving these objections, see chart attached as Exhibit 1.

Dated: August 26, 2011.

As to objections:

William H. Harbeck, WI State Bar No. 1007004

Quarles & Brady LLP

411 East Wisconsin Avenue, Suite 2040

Milwaukee, WI 53202-4497 Telephone: (414) 277-5853

E-mail: william.harbeck@quarles.com

John P. Brody, Ohio State Bar No. 0012215

Kegler, Brown, Hill & Ritter Co., LPA

65 East State Street, Suite 1800 Columbus, OH 43215-4294

Telephone: 614-462-5400

Email: jbrody@keglerbrown.com

Attorneys for Defendant

Waste Management of Ohio, Inc.

VERIFICATION

COUNTY OF Easter

foregoing "Waste Management of Ohio, Inc.'s Response to Interrogatory 1 of Plaintiffs' First Set of Interrogatories and Requests for Production of Documents." This response is based upon information that has been compiled by employees and others affiliated with Waste Management of Ohio and from a review of files and records of Waste Management of Ohio. Subject to the limitations set forth above, I am informed and believe that the information contained in the foregoing Response is true and correct, and on that ground state that the information contained herein is true and correct to the best of my knowledge, information, and belief.

ANGEL A. BUSHMAN
NOTARY PUBLIC STATE OF MICHIGAN
COUNTY OF EATON
My Commission express Dec. 22, 2012
Acting in this County of Logical

WASTE MANAGEMENT OF OHIO, INC.

Printed Name

Its Authorized Representative

SWORN TO BEFORE ME and subscribed in my presence this 29th day of 2011.

Notary Public

EXHIBIT 1

| FACILITY NAME | ADDRESS | TIME PERIOD | BUSINESS OPERATIONS |
|---|---|--|---------------------------------------|
| Blaylock Trucking | 2250 Sandridge Rd Moraine, OH 45439 | 1983 – present | Office, garage |
| Industrial Waste Disposal Co., Inc. | 3975 Wagoner Ford Road Dayton, OH | 1983 – pręsent | Hauling |
| Industrial Waste Disposal, Co., Inc. | 3112 Snyder Domer Rd German Township, OH | Ownership interest 1980 - 1986; leased 1984 - 1986 | Landfill |
| New Carlisle Landfill | 65 Quick Road New Carlisle, OH | 1972 - 1982 | Landfill |
| Pinnacle Road RDF | 4220 Pinnacle Rd Moraine, OH 45418 | 1978 – 1994 | Landfill |
| Powell Road Landfill | 4060 Powell Road Dayton, OH 45424 | 1984 – 1985 | Landfill |
| Springfield Landfill | 3850 Lower Valley Pike Springfield, OH | Through 1984 | Landfill |
| St. Paris Landfill | Trestle Road St. Paris, OH | 1985 – 1986 | Landfill |
| Stony Hollow Landfill a/k/a New Dayton Landfill a/k/a Pinnacle II Landfill | 2534 Gettysburg Road Dayton, OH 2460 Gettysburg Dayton, OH | 1989 – present | Landfill, hauling |
| | 2606 Lyleburn Road Dayton, OH | · | |
| | 2614 Lyleburn Road Dayton, OH | | |
| | 2622 Lyleburn Road Dayton, OH | | |
| | 3536 Stony Hollow Dayton, OH | | |
| Waste Management of Ohio | 4490 Webster St Dayton, OH | 1990 – 1994 | Transportation |
| Waste Management of Ohio | 1700 North Broad St Fairborn, OH 43524 | 1988 - present | Hauling, office |
| Waste Management of Sidney, Inc. | 9300 North County Road Sidney, OH | 1991 – 1994 | Parking, maintenance, office, storage |

EXHIBIT 1

| Waste Management | 4080 Industrial Lane | 1973 - 1997 | Office, garage, |
|------------------------|----------------------|-------------|-------------------|
| of Ohio – Dayton a/k/a | Dayton, OH 45430 | ł | material recovery |
| Koogler Suburban | | | facility |
| Refuse Removal Co. | | | |

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

| HOBART CORPORATION, et al., |) CASE NO. 3:10-CV-195 |
|---|-------------------------------|
| Plaintiffs, |)) JUDGE WALTER HERBERT RICE |
| vs. |) |
| WASTE MANAGEMENT OF OHIO, INC., et al., |)) |
| Defendants. |))) |

WASTE MANAGEMENT OF OHIO, INC.'S RESPONSE TO PLAINTIFFS' FIRST SET OF INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS

Defendant Waste Management of Ohio, Inc. ("WMO") hereby further responds to

Plaintiffs' First Set of Interrogatories and Requests for the Production of Documents ("Plaintiffs'

Discovery Requests") as follows.

WMO responded to Interrogatory 1 on August 26, 2011. By agreement with counsel for plaintiffs, WMO's response to the remaining requests is limited to the operations of the Industrial Waste Disposal Co., Inc. facility located at 3975 Wagoner Ford Road, Dayton, Ohio (the "IWD Facility"), that is alleged to be WMO's nexus to the Site, as that term is defined in Plaintiffs' First Set of Interrogatories and Requests for Production of Documents Propounded Upon Defendant Waste Management of Ohio, Inc.

General Objections

1. WMO objects to Plaintiff's Discovery Requests to the extent that they seek the disclosure of trade secrets or other confidential or proprietary business information.

¹ By agreement with counsel for plaintiffs, WMO's response to Interrogatory 1 was limited to WMO's facilities located within a fifty (50) mile radius of the Site.

- 2. WMO objects to Plaintiff's Discovery Requests to the extent that they seek the disclosure of information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other privilege or immunity.
- 3. WMO objects to Plaintiff's Discovery Requests, including the Instructions, to the extent that they seek to alter or exceed the scope of the obligations placed on WMO by the Federal Rules of Civil Procedure or applicable law including, but not limited to, any obligations WMO may have to supplement or amend its answers. The overly broad nature of the requests attempts to improperly shift the burden of proof in this case. In responding, WMO will comply with all applicable requirements of the Federal Rules of Civil Procedure.
- 4. WMO objects to Definition 7.J. (defining "Defendant," "You," and "Your") to the extent it encompasses entities other than the IWD Facility which is WMO's only alleged nexus to the Site, on the grounds that it is overly broad, unduly burdensome, and seeks information which is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence. By agreement with counsel for the plaintiffs, these responses are limited to the operations of the IWD Facility.
- 5. WMO objects to Definition 7.M. (defining "Your Dayton Area Facilities") on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence. By agreement with counsel for the plaintiffs, these responses are limited to the operations of the IWD Facility.
- 6. WMO objects to the time period encompassed by these discovery requests which is from 1941-1996 (See Definition 7) as being overly broad, unduly burdensome, and seeks

information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

- 7. Any documents identified in response to these Discovery Requests are subject to all applicable objections as to their authenticity, relevance, materiality, propriety, and admissibility, and to any and all objections on any ground that would require the exclusion of any document or portion thereof if such document were attempted to be offered in evidence under the Federal Rules of Evidence, including, but not limited to, claims of privilege. All such objections are expressly reserved and may be interposed at or before the time of trial.
- 8. A number of these discovery requests are not applicable to the operations of the IWD Facility which was not a "generator" of waste but was in the waste hauling and disposal business. As to each such request, WMO has noted "Not Applicable."
- 9. Any contacts with employees of WMO, its subsidiaries, or affiliates identified in these responses or the related documents should be initiated through counsel for WMO.
- 10. Each response below is made subject to and without waiving any of these General Objections.

INTERROGATORIES

<u>INTERROGATORY NO. 1</u>: Identify each of Your Dayton Area Facilities, including for each facility (a) the name and address, (b) the time period(s) of Your ownership, leasing or operation of the facility, and (c) the business operation(s) conducted there.

ANSWER: Subject to and without waiving its General Objections, WMO refers to its Response to Interrogatory 1 of Plaintiffs' First Set of Interrogatories and Requests for Production of Documents dated August 26, 2011.

<u>INTERROGATORY NO. 2</u>: Identify the custodian of records or person responsible for maintaining the records of Your Dayton Area Facilities for the period 1941 through 1996. If no such custodian of records or person exists, identify each person who is likely to have knowledge or information relating to the location and/or maintenance of such records for each facility for that time period.

ANSWER: Subject to and without waiving its General Objections, WMO states that Tom Calkins, Manager of Records Services, is the custodian of records.

<u>INTERROGATORY NO. 3</u>: Identify the persons with knowledge of the history of ownership of Your Dayton Area Facilities since 1941, including but not limited to, any changes in ownership, mergers, acquisitions, and the identity of predecessors and successors-in-interest.

ANSWER: WMO incorporates by reference its General Objections. Additionally, WMO specifically objects to Interrogatory No. 3 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its General Objections and specific objections,² WMO states that James Forney, Mideast Closed Sites Director, has knowledge responsive to this interrogatory.

<u>INTERROGATORY NO. 4</u>: Describe the business operations, processes and/or activities at each of Your Dayton Area Facilities for the period 1941 through 1996, including but not limited to a description of any products manufactured, the processes used, the wastes generated by such processes, and the materials and substances used in such processes.

ANSWER: Subject to and without waiving its General Objections, WMO states that Industrial Waste Disposal, Co., Inc. ("IWD") was incorporated in 1955. It was in the waste hauling and disposal business. The remaining portion of this interrogatory ("products manufactured, processes used ...") is not applicable.

² General Objections and specific objections made in response to any request shall hereinafter collectively be referred to as "Objections."

<u>INTERROGATORY NO. 5</u>: With respect to each of Your Dayton Area Facilities for the period 1941 through the present, identify the person(s) responsible for the following positions, including the time period(s) during which the position was held by each person:

- (a) Plant or facility management;
- (b) Production management;
- (c) Purchasing;
- (d) Waste treatment, storage or disposal;
- (e) Maintenance;
- (f) Safety;
- (g) Hiring and/or supervising transporters and/or drivers to transport materials for disposal, storage or treatment;
- (h) Accounting, including without limitation accounts payable and accounts receivable; and
 - (i) Environmental affairs, compliance and/or management.

ANSWER: WMO incorporates by reference its General Objections. Additionally, WMO objects to Interrogatory 5 subparts (b), (c), (e), (f), (i) on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO states that as to the remaining subparts of this interrogatory, to the best of its information and belief, Joe Woerner had accounting responsibilities from approximately 1960-1983. In addition, documents produced by the plaintiffs and other parties may contain information responsive to this interrogatory. WMO's investigation continues.

INTERROGATORY NO. 6: Identify each person with knowledge or information relating to Your procedures for the disposal, storage or treatment of waste generated at each of Your Dayton Area Facilities for the time period 1941 through 1996 and describe each person's particular area of knowledge or information.

ANSWER: Not Applicable.

<u>INTERROGATORY NO. 7</u>: Identify each of Your Dayton Area Facilities that arranged for the disposal, storage or treatment of waste at the Site or arranged for the transportation of waste to the Site for disposal, storage or treatment during the time period 1941 through 1996.

ANSWER: Subject to and without waiving its General Objections, WMO has no responsive information.

<u>INTERROGATORY NO. 8</u>: Identify each transporter, driver or person you contracted with or hired to transport waste from Your Dayton Area Facilities to any disposal, storage or treatment facility for the time period 1941 through 1996.

ANSWER: Not Applicable.

<u>INTERROGATORY NO. 9</u>: Identify by chemical content the chemical products used or stored at any of Your Dayton Area Facilities for the time period 1941 through 1996.

ANSWER: Not Applicable.

<u>INTERROGATORY NO. 10</u>: Identify by volume the chemical products used or stored at any of Your Dayton Area Facilities for the time period 1941 through 1996.

ANSWER: Not Applicable.

<u>INTERROGATORY NO. 11</u>: Identify by chemical content any waste transported by You, on Your behalf, or at Your direction to the Site for the time period 1941 through 1996.

ANSWER: Subject to and without waiving its Objections, WMO has no responsive information.

INTERROGATORY NO. 12: Identify by volume any waste transported by You, on Your behalf, or at Your direction to the Site for the time period 1941 through 1996.

ANSWER: Subject to and without waiving its General Objections, WMO has no responsive information.

<u>INTERROGATORY NO. 13</u>: Identify each disposal, storage or treatment facility to which waste from Your Dayton Area Facilities was transported at any time during the period 1941 through 1996.

ANSWER: Not Applicable.

<u>INTERROGATORY NO. 14</u>: For each of Your Dayton Area Facilities, identify each and every process or operation that generated any waste containing PCBs (Polychlorinated Biphenyls), chemical solvents, cutting oils, paint, paint residue, foundry sand, cores or slag, Stoddard solvents, machine-tool water-based coolants, dielectric fluids, oils and/or brake fluids, for the period 1941 through 1996.

ANSWER: Not Applicable.

REQUESTS FOR PRODUCTION OF DOCUMENTS

REQUEST FOR PRODUCTION NO. 1: Produce all documents relating to the arrangement by You for disposal, storage or treatment of waste at the Site, including but not limited to, drivers' logs, manifests, invoices, and reports.

RESPONSE: Subject to and without waiving its General Objections, WMO has no documents responsive to this request.

<u>REQUEST FOR PRODUCTION NO. 2</u>: Produce all documents relating to the arrangement by You for transportation of waste for disposal, storage or treatment at the Site, including but not limited to, drivers' logs, manifests, invoices, and reports.

RESPONSE: Subject to and without waiving its General Objections, WMO has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 3: Produce all documents describing the processes or operations conducted at Your Dayton Area Facilities during the period from 1941 through 1996.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 3 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO will produce the IWD Articles of Incorporation reflecting its business purpose.

REQUEST FOR PRODUCTION NO. 4: Produce all documents describing or identifying the wastes generated at Your Dayton Area Facilities during the period from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 5: Produce all documents describing or identifying the materials used in production at Your Dayton Area Facilities during the period from 1941 through 1996.

RESPONSE: Not Applicable.

<u>REQUEST FOR PRODUCTION NO. 6</u>: Produce all documents referred to or relied upon to formulate Your answer to Interrogatory No. 5 herein, including but not limited to, employee lists, personnel records, payroll records, accounting records, and work schedules.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 6 on the grounds that it is overly broad and unduly burdensome.

Subject to and without waiving its Objections, WMO will produce any responsive documents. As noted in its response to Interrogatory 5, WMO's investigation continues.

REQUEST FOR PRODUCTION NO. 7: Produce all documents relating to Your document retention and/or destruction policies from 1941 through the present.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 7 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 8: Produce all documents relating to any contract, agreement and/or other arrangement, including purchase orders, entered into or issued by You or any of Your Dayton Area Facilities for the transport, storage, treatment, disposal of waste to or at the Site.

RESPONSE: Subject to and without waiving its General Objections, WMO has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 9: For the period from 1941 through 1996, produce all policies, manuals, reports, handbooks, guides, written procedures, internal memoranda and other documents used by You or any of Your Dayton Area Facilities relating to the selection of locations to be used for the disposal, storage or treatment of waste, including the Site.

RESPONSE: Subject to and without waiving its General Objections, WMO has no documents responsive to this request.

<u>REQUEST FOR PRODUCTION NO. 10</u>: Produce all non-privileged communications between You and any government agency relating to the Site.

RESPONSE: Subject to and without waiving its General Objections, WMO will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 11: Produce all non-privileged communications between You and any other person relating to the Site.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 11 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 12: Produce all non-privileged communications between You and any waste transporter for the time period from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 13: Produce all non-privileged communications between or among Your employees, agents, consultants, representatives, officials, officers, directors and managers relating to the Site.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 13 on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant to the subject matter of this litigation and is not likely to lead to the discovery of admissible evidence.

Subject to and without waiving its Objections, WMO has no documents responsive to this request.

REQUEST FOR PRODUCTION NO. 14: Produce all documents relating to the chemical content of the products used or stored at any of Your Dayton Area Facilities from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 15: Produce all documents relating to the chemical content of the wastes generated at any of Your Dayton Area Facilities from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 16: Produce all documents relating to the volume of waste generated at any of Your Dayton Area Facilities from 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 17: Produce all documents relating to the generation of any waste containing PCBs (Polychlorinated Biphenyls), chemical solvents, cutting oils, paint, paint residue, foundry sand, cores or slag, Stoddard solvents, machine-tool water-based coolants, dielectric fluids, oils and/or brake fluids at any of Your Dayton Area Facilities for the period 1941 through 1996.

RESPONSE: Not Applicable.

REQUEST FOR PRODUCTION NO. 18: Produce all non-privileged documents upon which You relied or to which You referred in preparing Your answers to the preceding Interrogatories.

RESPONSE: Subject to and without waiving its General Objections, WMO will produce any responsive documents.

REQUEST FOR PRODUCTION NO. 19: Produce all witness statements, affidavits, and transcripts of testimony relating to the Site.

RESPONSE: WMO incorporates by reference its General Objections. Additionally, WMO objects to Request for Production No. 19 to the extent it seeks documents protected by the attorney-client and/or work product privileges.

Subject to and without waiving its Objections, WMO is not aware of any such documents other than as may have been previously produced by the plaintiffs or other parties.

Dated: December 22, 2011.

AS TO OBJECTIONS:

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Attorneys for Defendant

Waste Management of Ohio, Inc.

VERIFICATION

STATE OF Wichiago) COUNTY OF ENTON

James Forner , being first duly sworn, states that I have read the foregoing "Waste Management of Ohio, Inc. 's Response to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents." This response is based upon information that has been compiled by employees and others affiliated with Waste Management of Ohio and from a review of files and records of Waste Management of Ohio. Subject to the limitations set forth above, I am informed and believe that the information contained in the foregoing Response is true and correct, and on that ground state that the information contained herein is true and correct to the best of my knowledge, information, and belief.

WASTE MANAGEMENT OF OHIO, INC.

SWORN TO BEFORE ME and subscribed in my presence this 2 2011.

Notary Public

ANGEL A. BUSHMAN NOTARY PUBLIC - STATE OF MICHIGAN

COUNTY OF EATON

My Commission expires Dec. 22, 2012 Acting in the County of

wayour

- 12 -

QB\15411698.1

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF OHIO WESTERN DIVISION

| HOBART CORPORATION, et al., |) CASE NO. 3:13-cv-115-WHR |
|---|----------------------------|
| Plaintiffs, |) |
| VS. |)) |
| THE DAYTON POWER AND LIGHT COMPANY, et al., |)) |
| Defendants. |) |

DEFENDANT WASTE MANAGEMENT OF OHIO, INC.'S INITIAL RULE 26(a)(1) DISCLOSURES

Defendant Waste Management of Ohio, Inc. ("WMO") submits the following Initial Disclosures pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure.

I. Rule 26(a)(1)(A)(i).

WMO states that it has not completed all of its investigation and, therefore, it cannot say with certainty that those individuals listed below are the only individuals likely to have discoverable information supporting its defenses. Subject to and in accordance with the foregoing, WMO identifies the following individuals and their last known addresses:

Dennis Mantel Arnold Polley
523 Valley Oak Court 415 Travis Drive
Dayton, OH 45415 Riverside, OH 45431

Joseph Smart Vernon Vencill
5240 Tilbury Road 3115 Meyers Tillmann Road
Dayton, OH 45424 Arcanum, OH 45304

Robert Aldredge Boyd Pearson
7064 Salem Crossing Place 530 Anthony Lane
Englewood, OH 45322 Miamisburg, OH 45342

Any attempts to contact the aforementioned individuals or any other persons who are current or former employees of WMO or its alleged predecessors in regard to this matter should be made through William Harbeck, as counsel for WMO.

WMO-EPA00046

II. Rule 26(a)(1)(A)(ii).

WMO states that it has not completed all of its investigation and, therefore, it does not know certain fundamental information needed to determine precisely which documents in its possession, custody or control may be used to support its defenses. Subject to and in accordance with the foregoing, WMO identifies and attaches hereto the following documents in its possession, custody, or control:

- 1. WMO's June 3, 2002 response to EPA's 104(c) Request for Information pertaining to the South Dayton Dump.
- 2. May 7, 1980 correspondence from Industrial Waste Disposal Company to Dayton Tire & Rubber Company.
- 3. June 9, 1981 IWD 103(c) notification to EPA regarding North Sanitary Landfill-Valleycrest.
- 4. June 9, 1981 Blaylock Trucking Company, Inc. 103(c) notification to EPA regarding Disposal Sites.
- 5. June 9, 1981 North Sanitary Landfill, Inc. 103(c) notification to EPA regarding Valleycrest.

III. Rule 26(a)(1)(A)(iii).

WMO is not making a claim for damages in this action.

IV. Rule 26(a)(1)(A)(iv).

WMO is not aware of the existence of any applicable insurance agreement.

Dated: April 9, 2014.

<u>/s/William H. Harbeck</u>

William H. Harbeck - Trial Attorney

Wisconsin Bar No. 1007004

(Pro Hac Vice)

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Attorneys for Defendant Waste Management of Ohio, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of Waste Management of Ohio, Inc.'s Initial Rule 26(a)(1) Disclosures was served via email on April 9, 2014, upon counsel of record as reflected in the attached service list.

/s/ Susan Lund

Susan Lund Quarles & Brady LLP 411 East Wisconsin Avenue, Suite 2350 Milwaukee, WI 53202

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Counsel for The Dayton Power and Light Company



Closed Sites Management Department 720 Butterfield Road Lombard, 1L 60148 Phone: 630/572-2979 Fax: 630/218-1596

Fax

| Ter Deena Sheppard - Johnson | From Debra A. Kopsky. PRanalegal |
|-------------------------------------|----------------------------------|
| U.S. EPA - Region Y | Phones 630/572-2486 |
| Faxa 312/886-6064 | Date: June 3, 2002 |
| Phones | Pages 20 pages (including cover) |
| Res South Dayton Dump, -Moraine, OH | GG: Jim Forney, David Minfrey |

Comments:

Attached is Waste Management of Ohio, Inc.'s response to your 104(e) Request for Information regarding the South Dayton Dump, Moraine, Ohio. The original will follow via overnight mail.

Thank you for your patience.



THEINTEANAM STEAM

Closed Site Management Group 720 Butterfield Road Lombard, IL 60148 (630) 572-8800 (630) 218-1596 Fax

June 3, 2002

Deena Sheppard-Johnson, SR-6J U.S. Environmental Protection Agency Remedial Enforcement Support Section 77 West Jackson Blvd. Chicago, Ilinois 60604

RE: South Dayton Dump Site, Moraine, Ohio

Dear Ms. Sheppard-Johnson:

Enclosed you will find Waste Management of Ohio, Inc.'s response to the U.S. Environmental Protection Agency's March 29, 2002 Request for Information concerning the above referenced site. Industrial Waste Disposal Co., Inc. was merged into Waste Management of Ohio, Inc. on August 31, 1989.

If you have any questions, please call our counsel, David Winfrey at 713/265-1431 or myself at 630/572-2486.

Sincerely,

Debra A. Kopsky

Paralegal

Enclosures

Cc: Jim Forney (w/enclosures)

David Winfrey (w/enclosures)

1. Identify all persons consulted in the preparation of the answers to these questions.

Mr. Thomas Koogler
Area Vice President – OH/KY/WVA Group
Waste Management of Ohio, Inc.
Fairborn, Ohio 45324

Ms. Debra A. Kopsky Paralegal Weste Management, Inc. 720 Butterfield Road Lombard, Illinois 60148

Mr. Joseph Woomer Controller Waste Management of Ohio, Inc. Fairborn, Ohio 45324

All Waste Management employees may be reached through counsel:

Mr. David Winfrey Waste Management, Inc. 1001 Fannin Street Houston, Texas 77002 713/265-1431

Identify all documents consulted, examined, or referred to in the preparation of the answers to these questions and provide copies of all such documents.

The only documents reviewed for this response were those provided as evidence by the U.S. Environmental Protection Agency. For your convenience, these have been attached as Exhibit A.

 If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question or who may be able to provide additional response documents, identify such persons.

Respondent, Weste Management of Ohio, Inc., does not have any reason to believe that there are persons able to provide a more detailed or complete response or provide additional documentation to the questions herein.

4. List the EPA Identification Numbers of the Respondent.

08-57-73-1990

 Identify the acts or omissions of any person, other than your employees, contractors, or agents, that may have caused the release or threat of release of hazardous substances, pollutants, or contaminants and damages resulting there from at the South Dayton Dump Site.

Given the broad nature of this question, in which case, Respondent reserves the right to object without waiving such right through this response. Respondent does not know of any acts or omissions by any person that may have caused the release or the threat of release of hazardous substances, pollutants, or contaminants and damages resulting at the South Dayton Dump Site.

Respondent will supplement this response should respondent know additional information necessitating supplementation.

 Identify all persons including respondent's employees, who have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

Respondent does not know of anybody that would have knowledge or information about the generation, use, treatment, storage, disposal, or other handling of material at or transportation of materials to the Site.

- 7. Set forth the dates during which the Respondent engaged in any of the following activities:
 - a. Generation of hazardous materials which were sent to the South Dayton Dump Site;

Respondent is not now, nor has it ever been, a generator of hazardous materials sent to the South Dayton Dump Site.

b. Transportation of any material to the South Dayton Dump Site.

Respondent's investigation did not lead to any evidence that Respondent actually transported material to the South Dayton Dump Site.

- Identify all persons, including yourself, who may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site. In addition, identify the following:
 - a. The persons with whom you or such other persons made such arrangements;

Respondent has been unable to determine that Respondent may have arranged for disposal or treatment, or arranged for transportation for disposal or treatment, of materials, including, but not limited to, hazardous substances, at the South Dayton Dump Site.

b. Every date on which such arrangements took place;

See response to Question 8a.

c. For each transaction, the nature of the material or hazardous substance, including the chemical content, characteristics, physical state (e.g., solid, liquid), and the process for which the substance was used or the process which generated the substance;

See response to Question 8a.

d. The owner of the materials or hazardous substances so accepted or transported;

See response to Question 8a.

e. The quantity of the materials or hazardous substances involved (weight or volume) in each transaction and the total quantity for all transactions;

See response to Question 8a.

L. All tests, analyses, and analytical results concerning the materials:

See response to Question 8a.

g. The person(e) who selected the South Dayton Dump Site as the place to which the materials or hazardous substances were to be transported;

See response to Question 8a.

h. The Amount paid in connection with each transaction, the method of payment, and the identity of the person from whom payment was received;

See response to Question 82.

Where the person identified in g., above, jutended to have such bazardous substances or materials transported and all evidence of this latent;

See response to Question Sa.

j. Whether the materials or hazardous substances involved in each transaction were transchipped through, or were stored or held at, any intermediate site prior to final treatment or disposal;

See response to Question Sa.

k. What was actually done to the materials or hazardous substances once they were brought to the South Dayton Dump Site;

See response to Question 8a.

 The final disposition of each of the materials or hazardous substances involved in such transactions.

See response to Question 8a.

m. The measures taken by you to determine the actual methods, means, and site of treatment or disposal or disposal of the material and hazardous substance involved in each transaction:

See response to Question 8a.

n. The type and number of containers in which the materials or hazardous substances were contained when they were accepted for transport, and subsequently until they were deposited at the South Dayton Dump Site, and all markings on such containers:

See response to Question 8a.

 The price paid for (I) transport, (ii) disposal, or (iii) both of each material and hazardous substance;

See response to Question 8a.

p. All documents containing information responsive to a-o above, or in lieu of identification of all relevant documents, provide copies of all such documents;

See response to Question Sa.

q. All persons with knowledge, information, documents responsive to s-p above.

See response to Question 8a.

9. Identify all liability insurance policies held by Respondent from 1941 to the present. In Identifying such policies, state the name and address of each insurer—and of the insured, the amount of coverage under each policy, the commencement and expiration dates for each policy, whether or not the policy contains a "poliution exclusion" clause, and whether the policy covers or excludes sudden, nonsudden, or both types of accidents. In lieu of providing this information, you may submit complete copies of all relevant insurance policies.

Respondent objects that this request is unduly burdensome and not likely to lead to discovery of funds available to pay response costs.

 Provide copies of all income tax returns, including all supporting schedules, seat to the Federal Internal Revenue Service in the last five years.

Respondent is a subsidiary of Waste Managament Holdings, Inc., a wholly owned subsidiary of Waste Management, Inc., whose financial statements are available at www.wm.com.

- 11. If respondent is a Corporation, respond to the following requests:
 - a. Provide a copy of the Articles of Incorporation and By-Laws of the Respondent.

Both the articles of incorporation for Industrial Waste Disposal Co., Inc. and the merger agreement whereby Industrial Waste Disposal Co., Inc. was merged into Waste Management of Ohio, Inc. have been attached as Exhibit B.

b. Provide Respondent's financial statements for the past five fiscal years, including but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.

See response to Question 10.

c. Identify all of Respondent's current assets and liabilities and the person(s) who currently own or is responsible for such assets and liabilities.

· See response to Question 10.

d. Identify the Parent Corporation and all Subsidiaries of the Respondent.

The parent corporation is Weste Management, Inc. A list of subsidiaries are listed in Waste Management, Inc.'s most recent 10-K report which can be found at www.wm.com under "Investor Relations."

- 12. If Respondent is a Partnership, respond to the following requests:
 - a. Provide copies of the Partnership Agreement;

- b. Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission;
- c. Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities:
- d. Identify all subsidiaries of the Respondent.

Respondent is not a Partnership.

- 13. If Respondent is a Trust, respond to the following requests:
 - a. Provide all relevant agreements and documents to support this claim.
 - Provide Respondent's financial statements for the past five fiscal years, including, but not limited to, those filed with the Internal Revenue Service and Securities and Exchange Commission.
 - e. Identify all of Respondent's current assets and liabilities and the person (s) who currently own or is responsible for such assets and liabilities.

Respondent is not a Trust.

EXHIBIT A

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INDUSTRIAL WASTE DISPOSAL CO., INC. P. O. BOX 1483 S873 WAGONER FORD ROAD • DAYTON, ONIO 45414 PHONE 513 276-0821

June 9, 1981

USEPA Region V Sitar Hotification Chicago, Illinois 60604

RE! Industrial Waste Disposal Co., Inc. - Disposal Sites

Dear Sire:

Section 103(c) of the (Imprehensive Environmental Response, Companyation, and Liability Act of 1980 ("Superfund") requires certain persons to betify the Environmental Protection Agency by June 9, 1981, of the existence of hazardous vaste facilities. Industrial Mante Disposal Co., Inc. ("Two") has transported commercial, industrial; and municipal solid wastes to the sites listed on the attached appendik. As some of these wastes may be subject to Resource Conservation and Recovery Act regulations, and the Superfued lev imposes lessy penalties for faiture to file a notification when one is required, The is submitting this letter to fulfill its reporting obligation profer Section 101(c) of the Superfued.

We are not in possession of reasonably available, records which would indicate the specific areas, types and quantities of "hasardous vastes disposed at them sites. Reresvet, because any such hasardous vastes would have been disposed of in connection with much larger quantities of solid waste, which EPA has classified as non-hazardous, there are no reasonably available records which would assurately reflect quantities of hazardous waste which might have been delivered to times wites. However, we believe the preponderance of the meall amount of hazardous veste which may have been disposed at these sites would have come from generators of small quantities of hazardous waste. Such wastes are excluded from regulation under the EPA hazardous waste sanagement program when they are disposed at a facility which is permitted and limined to manage nunicipal or industrial solid waste.

If you would like currher information concerning this matter, please content me.

Sincerely,

Division Methoger

collections

MIGIT

Enclosure

JUN I S EEST

IND - DISROSAL SITES

North Sanitary Landfill 4230 Finnacle Kd. Moraine, Ohio

Depo's Landfill 5600 (ppnr River Rd. West Carrollton, Chio

Vance Road Landfill 2101 Vance Rd. Moraine, Unio

Conitory Landfill 2401 Dorothy Land Mozaina, (Min

South Dayton Dump & Landfill 8 1976 Springboro Md. Moreine, Chio

Missi County Inclusionalus 2200 North County M. Tryp, Okio Shelb/ County Incinexator Sidney, Chio

County Innifill 4016 Dayton-Springfield Bd. Springfield, Chio

RusCot's Landfil' 300 East Hains Springfield, Chio

Leadill systems, inc. 3050 Lower Valley Pike Springfield, Orio

Worth Senitary Landfill Snyder Domer Road Tremont City, Ohio

JUN 1 5 1987

06/03/02 15:36 FAX 6302181598

Form C-411

EXHIBIT B

PLEASE NOTE THAT THE ATTACHED ARTICLES WERE PROVIDED BY THE OHIO SECRETARY OF STATE. THE ORIGINAL QUALITY IS ALSO POOR.

UNITED STATES OF AMERICA. STATE OF OHIO, OFFICE OF THE SECRETARY OF STATE

L SHERROD BROWN.

Secretary of State of the State of Chio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original record now in my official custody as Secretary of State, and found to be true and correct, of the

Articles of Incorporation of INDUSTRIAL WASTE DISPOSAL CO., INC., an Ohio corporation, Charter #244891, filed February 8, 1955 recorded RollD22 Frame 2243; Certificate of Agreement of MERGER of DISPOSAL EQUIPMENT, INC., an Ohio corporation, Charter #409207, merging into INDUSTRIAL WASTE DISPOSAL CO., INC., an Ohio corporation, Charter #244891, the Survivor of stated Merger, INDUSTRIAL WASTE DISPOSAL CO., INC.

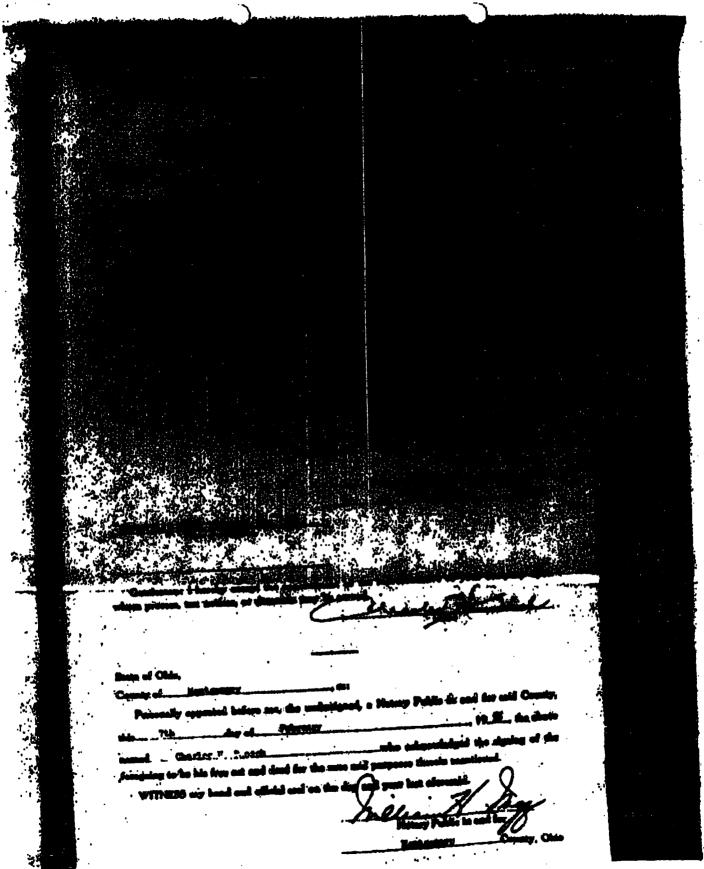
A.D. day of filed in this office on the 30th June 1972 Frame (Boge) of and recorded on (in) Roll (Mohamek x 1161 BB15 the Records of Incorporations.



WITNESS my hand and official seal at Columbus, Ohio, this .

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PROCEEDINGS OF THE INCORPORATORS

| On the | 5th: | day of_,_ | February | 19.55 | |
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| the persons named belo secoclates, successors and laws of the State of Chic | l exeigns, to become | e a body ecepon | incorporation, de ite, in accordance v | siring for themselvith the general co | ree, their rporation |
| ······································ | INDUSTRIAL WA | STE DISPOSAL. | CO. THO | | • |
| and with all the corporat | e righta, powers, pr | rivileyes and Hal | silities enjoyed und | er or imposed by a rhich articles, togs | nch laws, ther with |
| the certificate of acknow | ledgment, were, or | the_fth | _day ofFabr | 18737 | |
| 19_55., duly filed in the cified copy thereof, of wh | | | | | |
| Filed Pabruary 8, | 1955 | ,,,,,,,,,,, | | | |
| Corporation No. 21118 | 71 | | | • | |
| | ARTICL | es of incor | PORATION | | |
| | | OF | | | |
| | INDUSTRIAL | L WASTE DISPO | SAL CO., INC. | | • |
| The undersigned, a for profit, under the Gen | | | | siring to form a co | rporation, |
| FIRST. The name | | n shall beInc | instrial Waste | Disposal Co., | Inc. |
| SECOND. The pl | ace in the State of (| Ohio where its p | rincipal office is to | be located is | *************************************** |
| Dayton | | <u>M</u> | out gomety | | County. |
| (City, Village of | r Township) | | • | | |
| THIRD. The pur | bose or barbeses to | r which it is fore | ned are: | | |
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To purchase, lease or otherwise acquire, and to erect, construct, improve, operate, manage, and control, directly or through the ownership of shares in any corporation, any and all kinds of buildings, storerooss, warehouses, factories and shope; and to engage generally in the business of owning, operating and leasing real and personal property of every character and description.

PROCEEDINGS OF THE INCORPORATORS

| FOURTH. The maximum number of shares which the corporation is authorized to have outstanding | ľ |
|---|---|
| is Two Hundred Fifty (250) which shall be classified as follows: | |
| | |
| (Here state designation, maximum numbers and par value, it any, of shares of each class, and the relative rights, restrictions and qualifications of each class.) | 3 |
| *All of which shall be with a par value of One Hundred and CO/100 (\$ 100.00 Dollars each. |) |
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| PROCERDINGS | OR THE | INCORPOR | ATORE |
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| | 79 Hundred and 00/100 (\$ 500.00) Dollars. |
|-------------|--|
| IX7 | TH. Subscriptions for shares without par value may be received by the undersigned at |
| | res shall be presently issued for the following considerations other than cash: |
| | Number and description of such shares: |
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| | |
| (b) | Description of the consideration other than each to be received for such shares: |
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| (c) | The valuation at which such property is to be received is. |
| ••• | (\$) Dollars. |

| PROCEEDINGS OF 1 | THE INCORPORATORS |
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| IN WITNESS WHEREOF, we have become | to subscribed our names, this |
| | Ecis J. Stosoklein |
| | Charles H. Bossch |
| | Milton L. Spread |
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| | |
| THE STATE OF OHIO, COUNTY OFKEETS | (X)使取788. |
| Personally appeared before me, the undersigned | l, a Notary Public, in and for said county, this |
| 7th day of February Charles H. Boesch and Milton L' the signing of the foregoing articles of incorporation therein mentioned. | 19 55 the above named Loris J. Storckle in Sprowl , who each severally acknowledged to be his free act and deed, for the uses and purposes |
| Witness my hand and official seal on the day as | • |
| | William H. Wolff Notary Public. |
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| united states of America, State of | OHIO, OPFICE OF THE SECRETARY OF STATE. |
| | Bed copy, carefully compared by me with the original state, and found to be true and correct, of the Articles |
| (Name o | (Gerporation) |
| filed in this office on the 8th day (corded in Volume 699 Page 576 of the | he Record of Incorporations. |
| witness my hand and official seel at Columb | |
| u.55 | • |
| (SEAL) | TED V. BROWN Secretary of State |

@ 019/020 2007

FILED

CERTIFICATE OF MERCER

OF

BLAYLOCK TRUCKING COMPANY, INC., INDUSTRIAL WASTE DISPOSAL GO., INC., PINNACLE ROAD LANDVILL, INC., LARE COUNTY LAND IMPROVEMENT, ING.

DRA

S.E.M., INC.

INTO

WASTE MANAGEMENT OF ONIO, INC. (UNDER SECTION 252 OF THE GENERAL CORPORATION LAW OF THE STATE OF DELAWARE)

Waste Management of Chio, Inc. bereby certifies that:

- The name and state of incorporation of each of the constituent corporations (1) are:
 - (a)
 - Blaylock Trucking Gompany, Inc., an Ohio corporation; Industrial Wasts Disposal Co., Inc., an Ohio corporation; **(P)**
 - Pinnacle Road Landfill, Inc., an Ohio corporation; (a)
 - Lake County Land Improvement, Inc., an Ohio corporation;
 - S.E.M., Inc., an Ohio corporation; and
 - (£) Waste Management of Chio, Inc., a Delaware corporation.
- An agreement of merger, a true and complete copy of which is attached herato, has been approved, adopted, certified, executed and acknowledged by each of said corporations in accordance with the provisions of subsection (c) of Section 252 of the General Corporation Law of the State of Delaware and Section 1701.79 of the General Corporation Law of the State of Ohio.
- The name of the surviving corporation is Waste Management of Chio, Inc. (3)
- The certificate of incorporation of Waste Management of Ohio, Inc. shall be the cartificate of incorporation of the surviving corporation.
- The surviving corporation is a corporation of the State of Delaware. (5)
- The executed agreement of marger is on file at the principal place of business at 3003 Butterfield Road, Oak Brook, Illinois 60521, Attention: Secretary.
- A copy of the agreement of merger will be furnished by Weste Management of Ohio, Inc. on request and without cost, to any stockholder of any of the corporations identified in Section 1 above.
- The authorized capital stock of each of the constituent corporations is (8) as follows:

Constituent Corporation

Authorized Capital

Par Value

Blaylock Trucking Company, Inc.

250

No par

FLAM AND AGREEMENT OF MERGER

THIS PLAN AND AGREPHENT OF MEEGER is made as of this lith day of August, 1989, by and among Blaylock Trucking Company, Inc. ("Blaylock"), Industrial Waste Disposal Co., Inc. ("IWD"), Pinnacle Road Landfill, Inc. ("Pinnacle"), Lake County Land Improvement, Inc. ("Lake County") and 5.E.M., Inc. ("SEM"), all Chic corporations (referred to herein singularly as a "Merging Corporation" and collectively as the "Marging Corporations"), and Waste Management of Chic, Inc., a Delaware corporation (referred to herein as the "Survivor").

WHEREAS, Blaylock has an authorized capital stock consisting of 250 shares of common stock, no per value, of which 132 shares are issued and outstanding;

WHEREAS, IND has an authorized capital stock consisting of 250 shares of common stock, \$100 par value per share, of which 250 shares are issued and outstanding;

WHEREAS, Pinnacle has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 10 shares are issued and outstanding;

WHEREAS, Lake County has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 200 shares are issued and outstanding;

WHEREAS, SEM has an authorized capital stock consisting of 500 shares of common stock, no par value, of which 100 shares ere issued and outstanding:

WHEREAS, the Survivor has an authorized capital stock consisting of 1,000 shares of common stock, \$1.00 par value per share, of which 100 shares are issued and outstanding; and

WHEREAS, the respective Boards of Directors of the Merging Corporations and the Survivor deem it advisable and generally to the advantage and welfare of the parties and their respective stockholders that the Merging Corporations merge with the Survivor under and pursuent to the provisions of the General Corporation Law of the State of Chic and of the General Corporation Law of the State of Delaware.

NOW, THEREFORE, in consideration of the premises and of the mutual agreements berein contained and of the mutual benefits hereby provided, it is agreed by and between the parties hereto as follows:

- 1. MERGER. Each of the Marging Corporations shall be and it hereby is marged with and into the Survivor.
- 2. EFFECTIVE TIME. This Plan and Agreement of Herger shell become effective at 11:59 p.m. upon the later to occur of August 31, 1989 or the date of the filing of documents required to effectuate the merger hereby contemplated in compliance with the laws of the States of Ohio and Delaware, the time of such effectiveness being hereinafter called the Effective Time.



INDUSTRIAL WASTE DISPOSAL CO., INC., P. G. BOX 1433 3975 WAGONER FORD ROAD . DAYTON. OHIO 48414 FHONE 513 278-0621

May 7, 1980

Dayton Tire & Rubber P.O. Box 96 2342 Riverside Drive Dayton, Ohio 45407

Attn: Mr. Ralph Ball

Dear Mr. Ball:

The purpose of this latter is to trace the history of your waster disposel by listing in chronological order the samitary lendfills IND has utilized for the disposel of your waste since 1956.

- (A) From 1956 to 1960, your waste material was dumped at the Boger Groves Landfill located on River Road, Dayton, Ohio.
- . (B) For the period from 1960 to 1966, your waste was taken to both the shove Groves Landfill and Sanitary Landfill Inc. (a subsidiary of 190) located on Dorothy Lane.
 - (C) From 1966 to 1971, we used North Sanitary Landfill, Inc. (a subsidiary of IND) located on the east side of Valley-creat Drive.
 - (D) From 1971 to 1976, two sites were used; North Semitary Landfill, Inc. (a subsidiary of IND) located on the west mide of Valleycrest Drive, and Semitary Landfill, Inc. (a subsidiary of IND) located on Cardington Road.
- "(E) From 1976 to 1979, only Sanitary Landfill, Inc. on Cardington Road was utilized.
 - (F) Effective in October 1979 to the present, your wasta has been dumped at North Sanitary Landfill Inc. (a subsidiary of IVD) located on Finnacle Road.

All of the above disposal sites either were or are properly licensed by all local, state, and federal regulatory agency requirements in existence at their respective times of operations.

100936

INDUSTRIAL WASTE DISPOSAL CO., INC.

Dayton Tire & Rubber Mr. Raiph Sall May 7, 1980 Page -2-

As soon as possible, IWD would like to be informed of a definite timetable for us to begin removing our waste removal equipment from your plant. In addition, we are interested in purchasing the one stationary compactor owned by DTGR which is used for corrugated recycling. We are also interested in purchasing your tire shredder.

Please do not hesitate to call with any questions or problems.

Sincerely yours,

Demis R. Mantel

Dennis R. Mantel Vice President of Sales

DEMIND

100937

NORTH SANITARY LANDFILL, INC.

4220 Pinnacle Road Dayton, Ohio 45439 (513) 263-3501

June 9, 19.

USEPA Region V Sites Notification Chicago IL 60604

Dear Sir:

A completed EPA Form-8900-1 submitted by North Samitary Levillia, Tec. ("NSL") is enclosed. NSL is a past operator of the Vallage with A. Dialit.

The form identifies an approved site at which municipal, translated, and commercial vastes have been disposed. As some of these samples for the subject to Resource Conservation and Recovery Act regulations, and the Taperfund law imposes heavy penalities for failure-to fill a notification element is require, NSL is today submitting the enclosed form in order to f of the try reporting obligation it may have under Section 103(c) of Superfund.

However, NSL believes that the presence of any such wastes should be viewed in the context of the ordinary operation of a municipal solid waste facility. That is to say, any such "hazardous waste" would have been disposed of in connection with much larger quantities of solid waste which EPA has not identified as hazardous. This is a practice which EPA has indicated is likely to minimize problems attributable to hazardous waste. 45 Fed. Reg. 13104, May 19, 1980. We also believe the preponderance of the small amount of hazardous waste which may have been disposed at the site would have come from generators of small quantities of such waste. Such wastes are excluded from regulation under the EPA hazardous waste management program when they are disposed at a facility which is permitted and licensed to manage management or industrial solid waste. Lestly, in light of on-going monatorials, we additive the environment.

While the possibility of a "release" cannot be ruled out despitately, it is our view that the circumstances in which the waste is dispersed when it onlikely that an environmental release of hazardous waste would occur.

JUN 1 1 130!

Francis on the special Pages

NORTH SANITARY LANDFILL, INC.

> USEPA Region V June 9, 1981 Page-2-

Although NSL has not been able to estimate confidently the amount and area of any hazardous waste which might have been disposed in this site from reasonably available records in the limited time which was available and given the depth of inquiry contemplated by the law in order to complete Section G of the form, we believe that the types and amounts of any such wastes disposed at the site should not be significant for the reasons outlined above.

If you would like further information concerning this matter, please contact me.

Sincerely,

HORTH SANITARY LANDFILL, INC.

John A. Berbush General Manager

JAB: jep

affenting out they are \$40 few.

Wir.

JUN 1 1 1981

SEPA Notification of Hazardous Waste Site

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|---------------|---|-------------------------|--|--|---------------------------------------|--|
| | This initial notification informating for the property of the | s Compre- s, Compen- | Please type or print additional space, use paper, Indicate the le which applies. | separate sheets of other of the nem | | |
| _ | | | (41 1/22 | 4 | 0H5-0 | 00-001-252 |
| A | Person Required to Notity: | | Vanak da | 4 | | |
| | Enter the name and address of | | Name NOTER SAI | itary Landfill, In | ic. | |
| | or ordanisation tednited to vorit | y. | Street 4220 Pint | nacle Road | | · |
| | • | | Cay Dayton | | State OH | . Ein Code 45419 |
| | | | | | | |
| В | Site Location: | | North | Samitary Landfill | | |
| | Enter the common name (if knowactual location of the site. | wn) and | | | | |
| | actual recation of the site. | | Street 200 Valle | eycrest | | |
| х | HD9806/1875 | | Cay Dayton | Countoncromer | z dawa Alf | Ep Code 45404 |
| \mathcal{L} | | | CT DRYCOII | Committee Committee | 200 04 | |
| C | Person to Contact: | | Name (Lest, First and Title | Barbush, John (| eneral Mas | Meer |
| | Enter the name, title (if applicable business telephone number of the | le), and he person | 710.040 | | | · |
| | to contact regarding information | | Phone 513-263 | - 3 201 | | |
| | submitted on this form. | | | | | |
| _ | | | | | | |
| D | Dates of Waste Handling: | | | | | |
| | Enter the years that you estimate treatment, storage, or disposal be | | Fremfrent . 1966 | To (Year) 1975 | | |
| | ended at the site. | | | | | |
| | | • | | | | |
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| E | Waste Type: Choose the opti | on you pr | efer to complete | | | |
| | Option i: Select general waste a you do not know the general waste a encouraged to describe the site | ste types o | sources, you are | Option 2: This option Resource Conservation regulations (40 CFR P. | n and Recover | persons familiar with the y Act (RCRA) Section 3001 |
| | General Type of Waste: Place an X in the appropriate | Source | f Waste: | Specific Type of Was | te: | |
| | Place an X in the appropriate * boxes. The categories listed | Piace an | X in the appropriate | EPA has assigned a K | ur-digit numb Is under Sech | er to each hazardous wast on 3001 of RCRA, Enter th |
| | overlap. Check each applicable | | | ligib-tuol essingorgas | number in the | boxes provided. A copy of |
| | category. | | • | the list of heterdous v | vestes and coo icion servina t | ies can be obtained by / he State in which the site |
| | • | | | located. | | |
| | 1. ID Organics 2. ID Inorganics | 1. O Mi | ning nstruction | | | ٦ |
| | 3. Cl Solvents | 3. C Te | | | | -{ |
| | 4. D Pesticides | 4. D Fe | |) | | |
| | 5. © Heavy metals | | per/Printing | \ | } | |
| | 6: C Acids | | ether Tanning | { | | |
| | 7. O Bases | | n/Steel Foundry | | ļ | } |
| | 8. C PC8: | | emical, General |] } | } | |
| | 9. 8 Mixed Municipal Waste | 9. D Pl | iting/Polishing | } } | · · · · · · · · · · · · · · · · · · · | 7 |
| | 10. 🖸 Unknown | 10. CI M | litary/Ammunition | | | |
| | 11. Zi Other (Specify) . | 11. Ø EK | curical Conductors | | | |
| | | 12. O Tr | insformers. | | | |
| | See cover letter | | illy Companies | 000027 55 | 61 | |
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| | | Sea | cover letter | | | • |
| | Form Approved ONB No. 1000-0118 | | | IUN 11 1981 | | |
| | OMB No. 1880-01 JB | | · · · · · · · · · · · · · · · · · · · | VALL T T 1201. | | |

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|---|---|--|---|
| • | Notification of Hazardous Waste Site | Side Two | |
| | 'Waste Quantity: | Facility Type | Total Facility Waste Amount |
| | Place an X in the appropriate boxes to indicate the facility types found at the site. | 1. C Piles | exected See cover letter |
| | In the "total facility waste amount" space | 2. Q Land Treatment 3. & Landfill | gattone |
| | give the estimated combined quantity (volume) of hazardous wastes at the site | 4. C Tanks | Total Facility Area |
| | using cubic feet or gallons. | 5. D Impoundment | square feetA |
| | In the "total facility area" space, give the estimated area size which the facilities | 6. Underground Injection 7. D Drums, Above Ground | 15 -F |
| | occupy using square-feet or acres. | 8. C Drums, Below Ground | |
| | · | 9. Other (Specify) | |
| | Known, Suspected or Likely Releases to | | _ |
| | Place an X in the appropriate boxes to indicate or likely releases of wastes to the environmen | | O Known O Syspected O Likely O Nane - letter |
| | Note: Items Hand I are optional. Completing hazardous waste sites. Although completing | these items will assist EPA and State an the items is not required, you are encou | d local governments in locating and assessing raged to do so. |
| Ī | Sketch Map of Site Location: (Optional |) | |
| | Sketch a map showing streets, highways, routes or other prominent landmarks near the site. Place an X on the map to indicate the site location. Oraw an arrow showing the direction north, You may substitute a | | |
| | publishing map showing the site location. | | |
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| | Description of Site: (Optional) | | • |
| | Describe the history and present conditions of the site. Give directions to the site and describe any nearby wells, springs, lakes, or housing. Include such information as how waste was disposed and where the waste come from. Provide any other information or comments which | | |
| | may help describe the site conditions. | • | |
| | | | al and induservial traces |
| | This was a sanitary landfill from the Dayton area was disp | osed. Sanitary landfill dis | boset metuod ass made: |
| | i.e., landfill equipment push | ed and compacted the trash, | and earth was used as |
| | cover material. | • | |
| | | | • |
| | | • | |
| | | • | |
| _ | Signature and Title: | | |
| , | Signature and Title: The person or authorized representative | Name North Sanitary Landfi | 11, Inc. Cl Owner, Present |
| | (such as plant managers, superintendents, trustees or attorneys) of persons required | | · · · · · · · · · · · · · · · · · · · |
| | to notify must sign the form and provide a | Street 4220 Pinnacle Road | O Transporter |
| | mailing address (if different then address in Item A). For other persons providing | City Dayton State C | Operator, Present 20 Operator, Past |
| | notification, the signature is optional. Check the boxes which best describe the relationship to the site of the person | OD OR | () Other |
| | | | 4. K., 6-9-81 |



BLAYLOCK TRUCKING COMPANY, INC. BO. BOX 1325-2828 BERTWYNN DRIVE-DAYTON, OHIO 45401 -TEL:513 294-7717

June 9, 1981

USEPA Region V Sites Motification Chicago, Illinois 60604

RE: Blaylock Trucking Co., Inc. - Disposal Sites

Dear Sirs:

Section 103(c) of the Comprehensive Environmental Hemponne, Compensation, and Mability Act of 1980 ("Superfund") requires certain persons to sotify the Environmental Protection Agency by Jume 9, 1981, of the existence of hexardous waste facilities. Blaylock trucking Co., Inc. ("Blaylock") has transported commercial, industrial, and municipal solid wastes to the sites listed on the attached appendix. As some of these wastes may be subject to Resource Conservation and Recovery Act regulations, and the Superfund law imposes heavy penalties for failure to file a sotification when one is required, Blaylock is submitting this latter to fulfill its reporting obligation under Section 103(c) of Superfund.

Bocause Blaylook neither owns nor operators any of these facilities we are not in possession of reasonably available records which would indicate the specific areas, types and quantities of "hexardous" waster disposed at these sites. Moreover, because any such hazardous waster would have been disposed of in connection with much larger quantities of solid waste which EPA has classified as non-hazardous, there are no reasonably svailable records which would accountably reflect quantities of hazardous waste which might have been delivered to these disposal sites. However, we believe the prependerance of the small amount of hazardous waste which may have been disposed at these sites would have come from generators of small quantities of hazardous waste. Such wastes are empluded from regulation under the EPA hezardous waste management program when they are disposed at a facility which is permitted and licensed to manage municipal or industrial solid waste.

If you would like further information concerning this matter, please contact

Sincerely

Division Manager/Solid Waste Collections

HJQ:1q1

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LAYLOCK - DISPOSAL SITES

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4060 Powell Boar Dayton, Chio

City of Greenville Landfill U.S. Noute 571

U.S. Moute 571 Grussville, Chio 4220 Pinnsdie Moso Moraine, Chio Monbgomry County Indinerate

Hontgomery County Inclnsrat Booth Plant 2550 Bartsyn Drive Hozzins, Chio

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| €. | Hatificati | on of Hazardous | Waste Site - United Rights Agency Wastington to | el Gensami |
| | This initial southeation informs required by Section 103(a) of th henalico Environmental Response stating and Lighting Act of 1980 | dien is Places type or print o Compre- nt Compon-paper, indicate the fo | in link. If your speed | |
| | be mailed by June 9, 1881. | and must which applies. | 06 09 | |
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| ۲ | Person Required to Natify: | | | <i></i> |
| | Enter the name and address of | | ek Tracking Co. 71 | <u>. </u> |
| | er organization required to notif | Proche Co. Co. | <u> LEGG BYAK BACTURA .'</u> | . 700 |
| | | 04. BOY TON | 2000 Old 20 Cody :: | 7.60 |
| 3 | Sita Location: | | | |
| • | Enter the common name (if kno | well and Hame of She HOL | the smitary handfill | |
| | actual location of the site. | 200 | B. VAILEY CLEST DE'UL | • |
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| ٢ | 0HD 9906/1875 Person to Contact: | Sq. 1417 7 9 1 | 7 and 11 11 7 | 7.74 |
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| | business telephone number of to to contact regarding information submitted on this forst. | to person (5/3) 3 | 12/-77/7 | |
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| = | Waste Type: Choose the opt | ion you prefer to complete | • | • |
| | Ontion Is Select general waste | tions and source extenories: If | Option 2: This option is available to persons familie. | r with th |
| | Option it Select general waste you do not know the general we encouraged to describe the site | iste types or seuross, you are in Rem i—Cescription of Site. | Réspurps Conservation and Recovery Act (RCRA) Se regulations (40 CFR Pert 251). | cilen 30 |
| | General Type of Weste: Place an X in the appropriate | Scures of Wester Floor on X in the appropriate | Specific Type of Wester EPA has existed a four-digit number to each hazar listed in the regulations under Section 2001 of RCR appropriate jour-digit number in the boxes provided. | dous wa |
| | bares. The categories listed | bexs. | listed in the regulations under Section 3001 of RCR | A. Enter |
| | overlap. Check each applicable extegory. | | | |
| | | | controling the EPA Region serving the State in white ligarited. | ia dia e |
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| | G. C. Acids | 8. El Lasther Tenning | | |
| | 7, C:Bases | 7. [2] Iron/Steel Foundry | | |
| | 8, (2 PC8s 8, (2 Mixed Municipal Waste | 8, [] Chemical, General 9, [] Plating/Polishing | | |
| | 10. 12 Unknown | 10, D Military/Ammunition | | |
| | 11. D Other (Specify) | 11. [] Electrical Conductors | | |
| | | 12. Cl Transformers | | |
| | | 13. 🔁 Utility Companies | | |
| | | 14. D Sanitary/Refuse | 000000 | |
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| F | Vasto Quandly: | Facility Type | Total Facility Was | to Assumi | | |
| | Plane on X in the apprepriate bexes to indicate the faulty types found at the size. | 1. C Ples | . ' | THE PERSONNEL , | | |
| | | 2. C Land Treatment | guilte Read | | | |
| | esage "Vistal lecility traste securit" space | 3. G-Londill | Stages | | | |
| | (course) of horardous wastes at the site | 4. 🖸 Yenks | Total Fiellity Area | | | |
| | using cubic feet or gatters. | 6. O Impoundment 6. O Underground Injection | Bquile feet | <u> </u> | | |
| | In the "total facility area" made, give the estimated area size which the facilities | 7. C Crums, Above Ground | Adres | | | |
| | escupy using square lest or cores. | 8. C) Oroma, Below Ground | | • | | |
| | • | 8. C Other (Specify) | | | | |
| 3 | Known, Suspected or Likely Relocate to the Environments | | | | | |
| | Pleas on X in the appropriate bases to indicate any known, suspected, at likely releases of wester to the environment. | | | | | |
| | Notes (tems Hand) are cyclonal. Completing these items will assist EPA and State and local governments in locating and assessing the trains is not required, you are encouraged to do so. | | | | | |
| H | Sketch Map of Site Location: (Optional) | | | | | |
| | Skatch a map showing streets, highways, | • | | , | | |
| | routes or other prominent landmerks near the site. Place on X on the map to indicate | | | | | |
| | Sketch a map showing stream, highways, routes or other prominent landments have the stee. Place an X on the map to indicate the site location. Once an arrow showing the direction merch. You may substitute a substitute of the state of the s | | | | | |
| | publishing map showing the site location. | • | | | | |
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| | Description of Site: (Optional) | | | • | | |
| | Describe the history and present | | | | | |
| | the site and describe any nearby wells, | • | | | | |
| | conditions of the site. Give directions to the site and describe any nearby wells, purings, lakes, or housing, include such information as how waste was disposed | • | • | • | | |
| | and where the wests came from Provide any other information or caramants which | • | • | | | |
| | may help evacable the site conditions. | . • | | | | |
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| J | Signature and Titles | • | | | | |
| | The person or authorized representative (such as plant menagers, superintendents, | Marine | | - Cl Owner, Present | | |
| | trustages or attorneyed of persons required | Sirbet | • | D Tresporter | | |
| | (nuch es plant manugors, superintandents, trustaes or atterneyel di parsons required to neity must sign the terms and provide a pailing eddress (il dillerent then address | | | Transporter Diperator, Prese | | |
| | In kent Al. For other persons providing notification, the signature is optional. | 911 | Rate Zip Cods | - D Operator, Past | | |
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INDUSTRIAL WASTE DISPOSAL CO., INC. P. O. BOX 1432 2075 WAGGINER FORD ROAD . DAYTON, OHIO 45414 PHONE 513 275-0521

June 9, 1981

UMERA Region V Sites Hotification Chicago, Illinois 60604

RE: Morth Sanitary Landfill, Inc. - Valleycrest

Dear Sires

Section 103(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("Superfund") requires certain persons to notify the Environmental Protection Agency by June 9, 1981, of the existence of hazardous waste facilities. [Industrial Waste Disposal Co., Inc. ("MD") transported commercial, industrial, and municipal solid vastes to the site listed in the enclosed form. In addition, North Sanitary Landfill, Inc., ("MEL"), a wholly-comed subsidery of RMD, operated the Valleycrest Landfill. As some of these wastes may be subject to Resource Conservation and Recovery hot regulations, and the Superfund law imposes heavy penalties for Cailure to file a notification when one is required, DWD is subsisting this letter to fulfill its reporting obligation under Section 103(c) of Superfund.

Hecause any hazardous wastes would have been disposed of in connection with much larger quantities of solid waste, there are no reasonably swalleble records which would accurately reflect quantities of hazardous waste which might have been delivered to the site. Although neither IVD nor NSL has been able to estimate confidently the amount and area of any hazardous waste which might have been disposed in this site from reasonably available records in the limited time which was evailable and given the depth of inquiry contemplated by the law in order to complete Section G of the form, we believe that any such wastes disposed at the site should not be environmentally significant for the reasons outlined shows. In addition, we believe the preponderance of the small assumt of hazardous waste which say have been disposed at these sites would have come from generators of small quantities of hazardous waste. Such wastes are excluded from regulation under the EFA hazardous waste management program when they are disposed at a facility which is permitted and licensed to manage municipal and industrial solid waste.

While the possibility of a "release" at Valldycrest cannot be completely ruled out, we believe that the circumstances is which the waste was disposed during the period of MSL's operation indicate that it is unlikely that an environmental release of hazardous waste would occur.

JUN 1 1 1981

INDUSTRIAL WASTE DISPOSAL CO., DIC.

useph Region V RB: Horth Samitary Landfill, Inc. - Valleycrest Page Two

If you would like further information concerning this matter, please contact

Sincerely.

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Mirigion Hanager/Sould Walto Collections

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Englasmon

JUN 11 1981

Regulication of Razardous Weste Life 400 DC 20450 This initial antification information is 1. 2-med by Serikm 103ts) of the Compre-14.4ve Stellenmantal Programse, Compon-strom and Livilley Act of 1980 and must be mailed by June 9, 1881. Plants type of print in thi. If you need sidelined states, use superate theest of paper, indicate the latter of the items which applies. 01/202 810609 OHS-000-001-254 A Person Required to Notify: Industrial Waste Disposal Co., Inc. linter the name and address of the p or organization required to notify. P.O. Box 1453 Po Cod: 45414 __Dayton ... 8 Site Location: . Worth Sonitary Tandfill. Enter the common name (if known) and actual location of the site. 200 Block of Velleyerest Drive DH-D980611875 De Case 45404 County Mantgomery Sun CH Dayton on to Contact; Error the name, title fil explicable), and business telephone number of this person to contest regarding information submitted on this lorm, on the firm and Total Origins, Michael J./Division Handger (513) 278-0821 Dates of Weste Hendling: Erder the years that you estimate weste of treatment, storage, or disposal began and ended at the site, to Ment Ass (That The Call Weste Type: Choose the option you prefer to complete: Option 2: This option is evaluate to persone familiar with the Resource Conservation and Recovery Act (RICRA) Section 2001 regulations (40 CFR Part 281). Option is Select general wasse types and source categories, it you do not know the general waste types or sources, you are encouraged to describe the site in item i—Description of Site. pacific Type of Waster
PA has assigned a four-digit number to such hazardous waste
sted in the regulations under Section 2001 of RCFIA. Enter the
perceptine four-digit number in the boxes provides. A copy of
he first of hazardous wastes and codes can be obtained by
osteocing the EPA Region serving the State in which the size is General Type of Wester Place on X in the appropriate boxes. The exagories listed overlap. Check each applicable Source of Wester Place on X in the appropriate bours. 1. 🛘 Organise 1. CJ Milning 2, 6 Construction . 2. 🗆 inerganica 3. D Salventa 3. Ci Tember 4. 🗸 Pesticides 4. Cl Fertilless S. C. Paper/Printing 6 D Hasvy metals 6. D Acids 6, C Leather Tanni 7. | Iron/Steel Foundry 7. C. Resec 8. II PC81 8. C Chemisol, General B. C Mixed Municipal Waste 9, C Plating/Polishing 10. O Military/Ammunit 10. C Unknown . 11. 5 Other (Specify)
See cover letter 11. C Electrical Conductors 12. @ Transformers 18 P MAL # 1 8 0 0 0 13, C Utility Companies 14, El Santiary/Retuse 15. C Photolinish 16. D Lab/Hospital 17. U Unknow 18. IS Other (Epacity)
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